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Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

Committee: Planning Committee

Date: Thursday 9 February 2023

Time: 4.00 pm

Venue Bodicote House, Bodicote, Banbury, Oxon OX15 4AA

Membership

Councillor George Reynolds (Chairman)

Councillor Andrew Beere
Councillor John Broad
Councillor Colin Clarke
Councillor Ian Corkin
Councillor David Hingley
Councillor Fiona Mawson
Councillor Lynn Pratt
Councillor Dorothy Walker

Councillor Maurice Billington (Vice- Chairman)

Councillor Rebecca Biegel
Councillor Hugo Brown
Councillor Jean Conway
Councillor Ian Harwood
Councillor Simon Holland
Councillor Richard Mould
Councillor Les Sibley
Councillor Bryn Williams

Substitutes

Councillor Mike Bishop
Councillor Gemma Coton
Councillor Sandy Dallimore
Councillor Ian Middleton
Councillor Angus Patrick
Councillor Fraser Webster

Councillor Phil Chapman
Councillor Nick Cotter
Councillor Matt Hodgson
Councillor Adam Nell
Councillor Douglas Webb
Councillor Barry Wood

AGENDA

1. Apologies for Absence and Notification of Substitute Members

2. Declarations of Interest

Members are asked to declare any interest and the nature of that interest which they may have in any of the items under consideration at this meeting

3. Requests to Address the Meeting

The Chairman to report on any requests to address the meeting.

Please note that the deadline for requests to address the meeting is noon on the working day before the meeting. Addresses can be made virtually or in person.

4. Minutes (Pages 5 - 19)

To confirm as a correct record the Minutes of the meeting of the Committee held on 12 January 2023.

5. Chairman's Announcements

To receive communications from the Chairman.

6. Urgent Business

The Chairman to advise whether they have agreed to any item of urgent business being admitted to the agenda.

7. Proposed Pre-Committee Site Visits (if any)

The Committee to consider requests for and proposed pre-committee site visits.

Any requests or recommendations for site visits will be published with the written update.

Planning Applications

8. **Land South West Of Avonbury Business Park, Howes Lane, Bicester** (Pages 22 - 64) **22/02922/F**
9. **Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton** (Pages 65 - 107) **22/02101/OUT**
10. **OS Parcel 3489 Adjoining And South West Of B4011, Allectus Avenue, Ambrosden** (Pages 108 - 159) **22/01976/OUT**
11. **Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ** (Pages 160 - 195) **22/02104/F**
12. **OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury** (Pages 196 - 229) **22/01488/OUT**
13. **Recreation Ground, Keble Road, Bicester, OX26 4UX** (Pages 230 - 245) **22/02491/CDC**
14. **277 Warwick Road, Banbury, OX16 1AU** (Pages 246 - 253) **22/02517/F**

Review and Monitoring Reports

15. Appeals Progress Report (Pages 254 - 261)

Report of Assistant Director Planning and Development

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

Councillors are requested to collect any post from their pigeon hole in the Members Room at the end of the meeting.

Information about this Agenda

Apologies for Absence

Apologies for absence should be notified to democracy@cherwell-dc.gov.uk or 01295 221534 prior to the start of the meeting.

Declarations of Interest

Members are asked to declare interests at item 2 on the agenda or if arriving after the start of the meeting, at the start of the relevant agenda item.

Local Government and Finance Act 1992 – Budget Setting, Contracts & Supplementary Estimates

Members are reminded that any member who is two months in arrears with Council Tax must declare the fact and may speak but not vote on any decision which involves budget setting, extending or agreeing contracts or incurring expenditure not provided for in the agreed budget for a given year and could affect calculations on the level of Council Tax.

Evacuation Procedure

When the continuous alarm sounds you must evacuate the building by the nearest available fire exit. Members and visitors should proceed to the car park as directed by Democratic Services staff and await further instructions.

Access to Meetings

If you have any special requirements (such as a large print version of these papers or special access facilities) please contact the officer named below, giving as much notice as possible before the meeting.

Mobile Phones

Please ensure that any device is switched to silent operation or switched off.

Queries Regarding this Agenda

Please contact Aaron Hetherington / Matt Swinford, Democratic and Elections
democracy@cherwell-dc.gov.uk, 01295 221534

Yvonne Rees
Chief Executive

Published on Wednesday 1 February 2023

Cherwell District Council

Planning Committee

Minutes of a meeting of the Planning Committee held at Bodicote House, Bodicote, Banbury, Oxon OX15 4AA, on 12 January 2023 at 4.00 pm

Present:

Councillor George Reynolds (Chairman)
Councillor Andrew Beere
Councillor Rebecca Biegel
Councillor John Broad
Councillor Hugo Brown
Councillor Colin Clarke
Councillor Ian Harwood
Councillor David Hingley
Councillor Simon Holland
Councillor Fiona Mawson
Councillor Richard Mould
Councillor Lynn Pratt
Councillor Les Sibley
Councillor Dorothy Walker

Substitute Members:

Councillor Sandy Dallimore (In place of Councillor Ian Corkin)
Councillor Douglas Webb (In place of Councillor Bryn Williams)
Councillor Barry Wood (In place of Councillor Maurice Billington)

Apologies for absence:

Councillor Maurice Billington (Vice-Chairman)
Councillor Jean Conway
Councillor Ian Corkin
Councillor Bryn Williams

Officers:

Paul Seckington, Senior Manager Development Management
David Mytton, Solicitor
Caroline Ford, Team Leader – South Area Major Projects Team
Andrew Thompson, Principal Planning Officer - South Area Major Projects Team
William Anstey, Senior Planning Officer - General Developments Team
Aaron Hetherington, Democratic and Elections Team Leader
Matt Swinford, Democratic and Elections Officer

Officers Attending Virtually:

Ian Boll, Corporate Director Communities

106 **Declarations of Interest**

8. Land North West Bicester Home Farm, Lower Farm and SRG2, Caversfield.

Councillor Les Sibley, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Lynn Pratt, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Richard Mould, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

Councillor Sandy Dallimore, Other Registerable Interest, as a member of Bicester Town Council which had been consulted on the application.

12. Salvation Army, Swan Close Road, Banbury, OX16 5AQ.

Councillor Barry Wood, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Colin Clarke, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Lynn Pratt, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Richard Mould, Other Registerable Interest, as a member of the Executive and would leave the meeting for the duration of the item.

Councillor Rebecca Biegel, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

Councillor Andrew Beere, Other Registerable Interest, as a member of Banbury Town Council which had been consulted on the application.

107 **Requests to Address the Meeting**

The Chairman advised that requests to address the meeting would be dealt with at each item.

108 **Minutes**

The Minutes of the meeting held on 8 December 2022 were agreed as a correct record and signed by the Chairman.

109 **Chairman's Announcements**

There were no Chairman's Announcements.

110 **Urgent Business**

There were no items of urgent business.

111 **Proposed Pre-Committee Site Visits (if any)**

There were no proposed Pre-Committee site visits.

112 **Land North West Bicester Home Farm, Lower Farm and SRG2, Caversfield**

The Committee considered application 21/01630/OUT, an outline planning application for up to 530 residential dwellings (within Use Class C3), open space provision, access, drainage and all associated works and operations including but not limited to demolition, earthworks, and engineering operations, with the details of appearance, landscaping, layout, and scale reserved for later determination at Land at North West Bicester Home Farm, Lower Farm and SRG2 Caversfield for Firethorn Developments Ltd.

It was proposed by Councillor Pratt and seconded by Councillor Mould that consideration of application 21/01630/OUT be deferred until additional information is submitted by the applicant to be incorporated in the report as part of the published agenda to allow adequate time for Members to review this information (timeframe to be determined).

Resolved

That the consideration of application 21/01630/F be deferred until the extra information supplied by the applicant can be incorporated in the report as part of a published agenda.

113 **Unit 6, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN**

The Committee considered application 22/02647/F for Development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective) at Unit 6, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN for Oxtec Developments Limited.

In introducing the report, the Planning Officer advised the Committee of the need for an additional condition in relation to the timetable for implementation

of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT for application 22/02647/F.

Richard Cutler, from Bloombridge, on behalf of the applicant addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation, the written update, address from the public speakers.

Councillor Walker and Councillor Mawson requested that they and Kidlington Parish Council be kept up to date on the progress of the cycleway

Resolved

- (1) That permission be granted for application 22/02647/F subject to the following conditions including the additional condition.

Conditions

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - 2703-01 Rev PL2 – Building 6 Site Location Plan
 - 2703-02 Rev PL2 – Building 6 Site Location Plan
 - 2703-05 Rev PL5 – Building 6 Hard Landscaping Plan
 - 2703-10 Rev PL1 – Building 6A & 6B Proposed Ground Floor Plan
 - 2703-11 Rev PL1 – Building 6A & 6B Proposed First Floor Plan
 - 2703-12 Rev PL3 – Building 6A & 6B Proposed Roof Plan
 - 2703-14 Rev PL2 – Building 6A & 6B Proposed Elevations 1
 - 2703-15 Rev PL2 – Building 6A & 6B Proposed Elevations 2 & Section
 - 2703-16 Rev PL1 – Building 6A & 6B Proposed Sectional Elevations
 - 2703-100 Rev PL5 – Building 6 – Proposed Cycle Locations
 - 2703-101 Rev PL4 – Building 6A & 6B – Proposed Bin Recycle Storage
 - 2703-102 Rev PL3 – Building 6 – Proposed Fencing Detail
 - 5052-OTP6-ICS-01-XX-DR-C-0400-S2-P01 - Typical Drainage Construction Details
 - 5052-OTP6-ICS-01-XX-DR-C-0200-S2-P02 – Drainage Design
 - 5052-OTP6-ICS-01-XX-DR-C-0201-S2-P01 – Drainage Catchment Areas
 - 5052-OTP6-ICS-XX-RP-C-07.001 – SuDS Maintenance Guide

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Approved Use Class

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and the building has been designed to meet the employment requirements to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

Travel Plan

4. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage the use of sustainable modes of transport

EV Charging Points

5. Prior to first occupation of the building hereby approved all electric vehicle charging points shown on plan 2703-05 Rev PL5 shall be implemented. The charging points shall comply with BS EN 62196 Mode 3 or 4 charging and BS EN 61851. Passive provision for the remaining car parking spaces to allow the installation of further EV charging points shall be ensured as part of the construction process.

Reason: To ensure that the development meets the requirements of Policies ESD4 and ESD5 of the Cherwell Local Plan 2015 and the aims and objectives of the NPPF in mitigating the impact of climate change and the ongoing provision and movement towards electric vehicle provision in new cars by 2030.

Parking areas

6. The vehicle parking area shown on plans 2703-05 Rev PL5 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring or their purpose.

Reason: To ensure satisfactory functioning of the development and in the interests of highway safety and to promote sustainable travel choices in accordance with Saved Policies C30 and C32 of Cherwell Local Plan 1996 and Policy ESD5 of the Cherwell Local Plan 2015

External Lighting

7. Other than lighting shown on the approved plans, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

BREEAM Sustainability Standard

8. The development hereby permitted shall be constructed to meet at least BREEAM 'Excellent' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015 and the submitted information in support of the application.

No outdoor storage

9. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

Noise Emissions

10. The cumulative plant noise emissions from fixed plant and equipment on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT. These being measured at 1m from a residential window shall not exceed: 45dBA (between 07:00 and 23:00 hours) 35dBA (between 23:00 and 07:00hours) 35dBA (for equipment operating over a 24hr period)

Reason: To ensure a satisfactory noise environment to comply with Policy ENV1 of the Cherwell Local Plan 1996

Construction Environmental Management Plan

11. The Development hereby permitted shall be constructed in accordance with the submitted Construction Environmental Management Plan (CEMP) and the associated Construction Traffic Management Plan (CTMP).

Reason: To ensure satisfactory development and management of the construction process.

Bin and Cycle Storage

12. Prior to the first occupation all cycle and refuse stores 2703-05 Rev PL5, 2703-100 Rev PL5 and 2703-101 Rev PL4 shall be in place and available for use.

Reason: To encourage the use of sustainable modes of transport and to ensure satisfactory

Total Floorspace

13. The total floorspace of the approved development shall be 4,396sqm, which including 2,804 sq. m at ground floor and 1,592 sq. m at mezzanine floor.

Reason: To define the permission and having regard to the transport infrastructure installed being created as part of the development to cater for a maximum of total floorspace as part of the previous outline permission.

SuDS Implementation

14. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include: (a) As built plans in both .pdf and .shp file format; (b) Photographs to document each key stage of the drainage system when installed on site; (c) Photographs to document the completed installation of the drainage structures on site; (d) The name and contact details of any appointed management company information.

Reason: In the interests of satisfactory drainage and functioning of the site and to ensure that the sustainable drainage systems hereby approved are appropriately implemented

15. Prior to first occupation of the development hereby approved, details of the timetable for implementation of the cycleway to Langford Lane, approved under planning permission 14/02067/OUT, shall be submitted to and agreed in writing by Local Planning Authority. The cycleway shall be implemented in accordance with the agreed timescale.

Reason: To encourage the use of sustainable modes of transport and to ensure appropriate infrastructure is delivered in accordance with Policy INF1 of the Cherwell Local Plan 2011 - 2031 Part 1 and Policy TR1 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

The Committee considered application 22/01683/F for development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective) at Unit 7, Oxford Technology Park, Technology Drive, Kidlington, OX5 1GN for Oxtec Developments Limited.

Richard Cutler, from Bloombridge, on behalf of the applicant addressed the Committee in support of the application.

In reaching its decision the Committee considered the officers report, presentation and addresses from the public speakers.

Resolved

- (1) That permission be granted for application 22/01683/F subject to the conditions below.

Conditions

1. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents:

2732-01-PL3 – Location Plan Proposed
2732-02-PL2 – Location Plan
2732-03-PL5 – Proposed Site Plan
2732-10-PL4 – Ground Floor Plan
2732-11-PL5 – First Floor Plan
2732-12-PL1 – Roof Plan
2732-14-PL4 – West & South Elevations
2732-15-PL4 – North & East Elevations
2732-100-PL2 – Cycle Locations
2732-101-PL2 – Bin Storage & Recycling
2732-102-PL3 – Fence Plan
2732-05-PL4 – Proposed Hard Landscaping Plan
4929-OPT7-ICS-01-XX-DR-C-0400-S2-P02 – Typical Construction Details
4929-OTP7 – Front Car Park - 100yr event plus 40% CC.
4929-OTP7 – Rear Car Park – 100yr event plus 40% CC.
4929-OPT7-ICS-01-XX-DR-C-0200-S2-P06 – Drainage Design
4929-OPT7-ICS-01-XX-DR-C-0201-S2-P01 – Catchment Areas
Planning & Economic Statement by Savills, received by the Local Planning Authority in May 2022
Design & Access Statement by Savills, received by the Local Planning Authority in May 2022
Transport Statement, by Vectos, dated May 2022
Sustainability and Energy Strategy, received by the Local Planning Authority on 18 December 2022
Drainage Strategy, REF: 4929-OTP7-ICS-CO-C-03.003, by Infrastruct CS Ltd, received by the Local Planning Authority on 25 November 2022

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

2. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission Ref: 14/02067/OUT.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

3. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2015 and Government Guidance contained within the National Planning Policy Framework.

4. The vehicle parking layout shown on plans 2732-03 PL5 and 2732-05 PL4 shall be laid out prior to occupation of the approved development. Thereafter, the areas shall be retained solely for the purpose of parking, turning, and manoeuvring.

Reason: In the interests of highway safety.

5. No external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

6. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and

ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework.

7. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard.

Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2015.

8. No goods, materials, plant, or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Saved Policy C28 of the Cherwell Local Plan 1996.

9. Prior to first occupation a Travel Plan for the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be operated in accordance with the approved Travel Plan thereafter. Reason: To encourage the use of sustainable modes of transport.

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Oxford Technology Park, Langford Lane, Kidlington

The Committee considered application 21/02278/F for development within Use Classes E (g) (i), and/or (ii), and/or (iii), and/or B2 and/or B8 and Associated Works including Access and Parking (part retrospective) at Oxford Technology Park, Langford Lane, Kidlington for Oxford Technology Park Limited.

Richard Cutler, from Bloombridge, on behalf of the applicant addressed the Committee in support of the application.

In reaching its decision, the Committee considered the officers report, presentation and addresses from the public speakers.

Resolved

- (1) That permission be granted for application 21/02278/F subject to the conditions below

Conditions

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - 2612-01 PL2 - Building 4A & 4B Site Location Plan
 - 2612-02 PL4 - Proposed Site Plan/Hard landscaping

- 2612-04 PL3 - Cycle and Bin Locations
- 2612-06-PL1 – Proposed Bin Locations
- 2612-10 PL3 - Building 4A Ground Floor Plan
- 2612-11 PL3 - Building 4A First Floor Plan
- 2612-12 PL3 - Building 4A Roof Plan
- 2612-13 PL3 - Building 4B Ground Floor Plan
- 2612-14 PL3 - Building 4B First Floor Plan
- 2612-15 PL3 - Building 4B Roof Plan
- 2612-16 PL3 - Building 4A Elevations
- 2612-17-PL3 - Building 4B Elevations
- D42985/PMU/C – Lighting Plan
- 42985 – Lighting Design Report
- 5269-OTP4-ICS-CO-C-03.003 – Unit 4 – Drainage Statement
- P21-002-101 Rev C4 – Drainage Details/Engineering Layout
- Sustainability and Energy Statement received 18 December 2022

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework

2. The development hereby permitted shall be carried out strictly in accordance with the following plans and documents approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F:

- Air Quality Impact Assessment dated November 2016 and condition letter ref. 23558/GH/AA dated 8th February 2017;
- Reptile Method Statement ref. 8939_MS_APPR_12 10 16.docx dated 12th October 2016;
- Biodiversity Enhancement Measures ref. 8939_EMP_APPR_02 02 2017.docx dated 2nd February 2017;
- Bird Control Management Plan dated 14th March 2017.

Reason: To ensure that the development is carried out in accordance with details already approved by the Local Planning Authority to achieve a satisfactory development without adverse impact.

3. The levels of noise emitted by fixed plant and equipment operated on the site shall not exceed the levels set out in table 7.1 of the Noise Assessment Report produced by Peter Brett and dated December 2014 and approved under outline planning permission ref. 14/02067/OUT and by planning permission ref. 17/00559/F.

Reason: In order to safeguard the amenities of the area and to comply with Policy ENV1 of the Cherwell Local Plan 1996.

4. The floorspace hereby approved is permitted to be used for uses in classes E(g) (i) and/or (ii) and/or (iii) and B2 of the Town and Country Planning (Use Classes) Order 1987 (as amended). Uses in Class B8 of the Town and Country Planning (Use Classes) Order 1987 (as

amended) are also permitted but only where they are ancillary to the function of an individual Class E(g) or B2 operation.

Reason: This permission is only granted in view of the very special circumstances and needs of the applicant, which are sufficient to justify overriding normal planning policy considerations and to comply with Policies Kidlington 1 and ESD 14 of the Cherwell Local Plan 2011-2031 Part 1 and Government Guidance contained within the National Planning Policy Framework.

5. Prior to the first occupation of the development hereby approved, a Travel Plan prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans', shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: To encourage occupiers to use sustainable modes of transport as much as possible in line with the Government guidance contained within the National Planning Policy Framework

6. Prior to the first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - As built plans in both .pdf and .shp file format;
 - Photographs to document each key stage of the drainage system when installed on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - Photographs to document the completed installation of the drainage structures on site;
 - The name and contact details of any appointed management company information.

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal in accordance with Policy ESD8 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Other than the approved lighting hereby permitted, no external lights/floodlights shall be erected on the land without the prior express consent of the Local Planning Authority.

Reason: To ensure that the development does not unduly affect operations at London Oxford Airport and in order to safeguard the amenities of the area and to comply with Government guidance contained within the National Planning Policy Framework and Policy ENV1 of the Cherwell Local Plan 1996.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason: In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the development, the sustainability measures outlined in the Sustainability and Energy Strategy received by the Local Planning Authority on 18 December 2022 will be implemented in accordance with the approved details.

Reason: To ensure sustainable construction and reduce carbon emissions and to comply with Policies ESD1, ESD2, ESD3, ESD4 and ESD5 of the Cherwell Local Plan Part 1 and Government guidance contained within the National Planning Policy Framework

10. The development hereby permitted shall be constructed to meet at least BREEAM 'Very Good' standard. Reason: In order to comply with Policy ESD3: Sustainable Construction of the Cherwell Local Plan 2011-2031 Part 1.

11. No goods, materials, plant or machinery shall be stored, repaired, operated or displayed outside the buildings hereby approved unless otherwise approved in writing by the Local Planning Authority.

Reason: In order to safeguard the visual amenities of the area in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996

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Salvation Army, Swan Close Road, Banbury, OX16 5AQ

The Committee considered application 22/03224/F for the variation of Condition 3 (temporary consent expiry date) of 18/01214/F (Change of Use to B8 storage and distribution with ancillary Class A1 shops and B1 offices) at Salvation Army, Swan Close Road, Banbury, OX16 5AQ for Salvation Army Trading Company Limited.

In reaching its decision the Committee considered the officers report and presentation

Resolved

- (1) That permission be granted for application 22/03224/F subject to the following conditions

Conditions

Compliance with Plans

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

- Application form for application 18/01214/F
- Site Location Plan for application 18/01214/F
- Site Plan for application 18/01214/F

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Temporary Consent

2. On or before 21st September 2028, the use hereby approved shall cease and the land and buildings restored to their former condition.

Reason: To grant a permanent consent would be premature and could prejudice a comprehensive redevelopment of the wider Canalside area, and to comply with Policies PSD1 and Banbury 1 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained in the National Planning Policy Framework.

Parking

3. The parking facilities approved under application 18/00407/DISC shall be retained for the parking of vehicles at all times.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

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Appeals Progress Report

The Assistant Director Planning and Development submitted a report which informed Members about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

Resolved

- (1) That the position statement be accepted.

The meeting ended at 4.52 pm

Chairman:

Date:

Agenda Annex

CHERWELL DISTRICT COUNCIL

Planning Committee – 09 February 2023

PLANNING APPLICATIONS INDEX

The Officer's recommendations are given at the end of the report on each application.

Members should get in touch with staff as soon as possible after receiving this agenda if they wish to have any further information on the applications.

Any responses to consultations, or information which has been received after the application report was finalised, will be reported at the meeting.

The individual reports normally only refer to the main topic policies in the Cherwell Local Plan that are appropriate to the proposal. However, there may be other policies in the Development Plan, or the Local Plan, or other national and local planning guidance that are material to the proposal but are not specifically referred to.

The reports also only include a summary of the planning issues received in consultee representations and statements submitted on an application. Full copies of the comments received are available for inspection by Members in advance of the meeting.

Legal, Health and Safety, Crime and Disorder, Sustainability and Equalities Implications

Any relevant matters pertaining to the specific applications are as set out in the individual reports.

Human Rights Implications

The recommendations in the reports may, if accepted, affect the human rights of individuals under Article 8 and Article 1 of the First Protocol of the European Convention on Human Rights. However, in all the circumstances relating to the development proposals, it is concluded that the recommendations are in accordance with the law and are necessary in a democratic society for the protection of the rights and freedom of others and are also necessary to control the use of property in the interest of the public.

Background Papers

For each of the applications listed are: the application form; the accompanying certificates and plans and any other information provided by the applicant/agent; representations made by bodies or persons consulted on the application; any submissions supporting or objecting to the application; any decision notices or letters containing previous planning decisions relating to the application site

Item No.	Site	Application Number	Ward	Recommendation	Contact Officer
8	Land South West Of Avonbury Business Park, Howes Lane, Bicester	22/02922/F	Bicester West	Approve	Katherine Daniels
9	Land Adjoining Withycombe Farmhouse, Stratford Road, A422, Drayton	22/02101/OUT	Cropredy, Sibfords & Wroxton, Banbury Ruscote	Approve	Lewis Knox
10	OS Parcel 3489 Adjoining And South West Of B4011, Allectus Avenue, Ambrosden	22/01976/OUT	Launton and Otmoor	Approve	Natasha McCann
11	Land To The Rear Of No.12 And South Of Dismantled Railway, Heath Close, Milcombe, OX15 4RZ	22/02104/F	Deddington	Refuse	Wayne Campbell
12	OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road Banbury	22/01488/OUT	Banbury Grimsbury and Hightown	Refuse	Chris Wentworth
13	Recreation Ground, Keble Road, Bicester, OX26 4UX	22/02491/CDC	Bicester East	Approve	Rebekah Morgan
14	277 Warwick Road, Banbury, OX16 1AU	22/02517/F	Banbury Ruscote	Approve	Tomaz Akhter

*Subject to conditions

Land South West Of Avonbury Business Park
Howes Lane
Bicester



22/02922/F

**Land South West Of Avonbury Business Park
Howes Lane
Bicester**

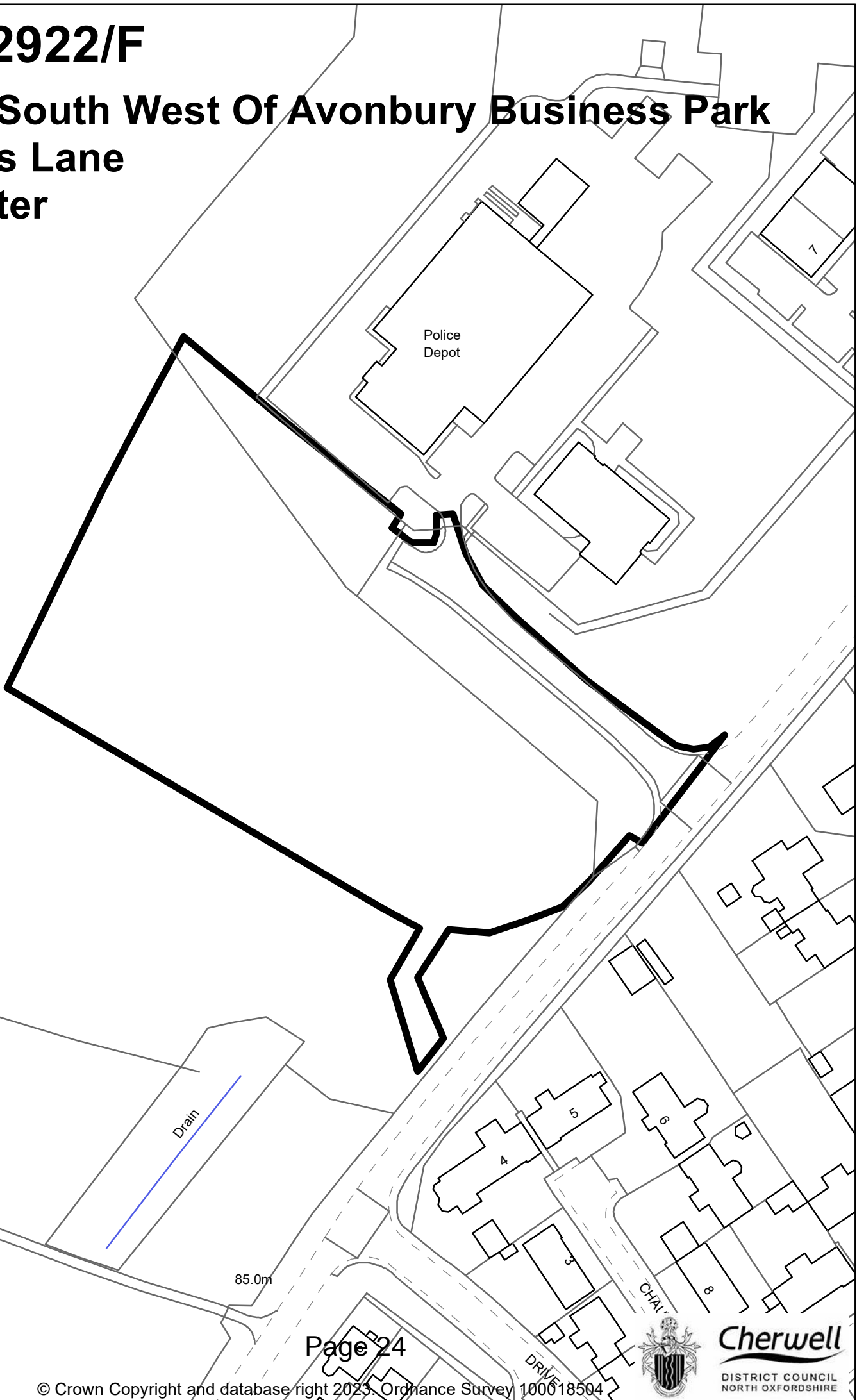
Police
Depot

Drain



22/02922/F

**Land South West Of Avonbury Business Park
Howes Lane
Bicester**



1:1,200



Case Officer: Katherine Daniels

Applicant: Thames Valley Police

Proposal: Construction of Thames Valley Police Technical Services Building (Use Class E) with associated access, car parking and hard and soft landscaping

Ward: Bicester West

Councillors: Councillor Broad, Councillor Sibley and Councillor Webster

Reason for Referral: Major development

Expiry Date: 9 February 2023

Committee Date: 9 February 2023

This application will be subject to a Committee Members Site Visit, which is due to take place on 9th February 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the west of Bicester and sits within land that is allocated for a new zero-carbon, mixed-use development under Policy Bicester 1 of the Cherwell Local Plan 2011-2031 (CLP 2011-2031). The site is located to the southwest of Avonbury Business Park. Thames Valley Police (TVP) have the vehicle workshop and road policing traffic base to the north.
- 1.2. The application site adjoins the west of the existing Howes Lane. Beyond Howes Lane to the east there is an existing residential area. The boundary of the application site to the south and west of the site comprises of a hedgerow. The boundary to the north is currently open, part of the larger agricultural field. The boundary to the east is a mixture of fencing and a block of trees/vegetation. To the west and north beyond these features comprise land allocated within Policy Bicester 1.
- 1.3. The site is relatively level with a high point of approximately 86m AOD. The site is currently in use as an agricultural field (arable), and further to the north and southwest lies further agricultural fields.

2. CONSTRAINTS

- 2.1. The application site is within flood zone 1, there are no heritage assets on the site. The site has some potential to be contaminated. The site also has its natural constraints including the natural boundary features and the nearby vegetation.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application has been amended since its initial submission following concerns relating to the design of the plant building to the north. Amended plans have been

received. No further consultation was deemed necessary for these changes, as the changes were only minor.

- 3.2. The proposal is for a Technical Services Building (TSB) for Thames Valley Police. The building will result in an internal floor area of circa 4776 sqm. The building is proposed to be three storey and will measure 32m by 51m. The building is a flat-roofed design with a height of 15m. The building also proposes a roof lantern that extends the height to 16.5m. A chimney also is proposed that takes the overall height of the building to 19.5m.
- 3.3. The proposal also includes the construction of a plant building. This is proposed to be attached to the main building via a canopy. The plant building is proposed to be two storeys, and measures 10m by 46m. The overall height of the proposed building is 9.55m. A generator is proposed to be located to the north of the building. This has an external footprint of 40sqm. The proposed generator is to provide continuity of electrical supply to critical equipment in the case of a power failure.
- 3.4. The public entrance to the proposed TSB building will be to the southeast façade, with staff access points available. The proposed access is to be taken from the existing access off Howes Lane, which also currently serves the Traffic Base. The proposal includes parking facilities for a total of 120 car spaces, including 7 blue badge holders. Parking within the site also includes six short-stay/drop-off spaces for the operational requirements of the specialist building. The proposal also includes the provision of a sheltered bicycle rack for 18 bikes.
- 3.5. The proposal also includes the construction of a temporary construction access as part of the proposal. This is proposed to ensure there is no impact on the blue light services that need to enter/exit the Traffic Base.
- 3.6. The overall design of the building is modern, creating an exemplary building for TVP. The design is modern, with glazing and metal panelling. The building has been designed for BREEAM 'Excellent' level. The building aspires to be True Zero Carbon. The proposal makes use of PV panels on the roof. Electric vehicle charging points are also proposed.
- 3.7. Over 40% Green Infrastructure is proposed, as well as the retention of the majority of the trees and hedgerows along the site boundary (south and west). 10m buffers are also proposed in accordance with the SPD. There is a Biodiversity Net Gain proposed of 20.57% in Biodiversity Units and 62.01% gain in Hedgerow Units. Sustainable Drainage Systems are proposed as well as hard and soft landscaping.
- 3.8. The building is proposed to be used 24 hours a day.
- 3.9. The application includes a letter from the Police and Crime Commissioner outlining the requirement for a new TSB for TVP. The applicant has advised that, in the event that planning permission is granted, they anticipate development commencing by July 2023 with the first occupation in 2024.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application: 14/01968/F

Permitted

21 August 2019

Construction of new road from Middleton Stoney Road roundabout to join Lord's Lane, east of Purslane Drive, to include the construction of a new crossing under the existing railway line north of the existing Avonbury Business Park, a bus only link east of the railway line, a new road around Hawkwell Farm to join Bucknell Road, retention of part of Old Howes Lane and Lord's Lane to provide access to and from existing residential areas and Bucknell Road to the south and associated infrastructure.

Application: 14/01641/OUT

Outline Application - To provide up to 900 residential dwellings (Class C3), commercial floor space (Class A1-A5, B1 and B2), leisure facilities (Class D2), social and community facilities (Class D1), land to accommodate one energy centre and land to accommodate one new primary school (up to 2 FE) (Class D1), secondary school up to 8 FE (Class D1). Such development to include provision of strategic landscape, provision of new vehicular, cycle and pedestrian access routes, infrastructure, ancillary engineering and other operations

There is other history relating to the wider NW Bicester site to the south, north and west.

5. PRE-APPLICATION DISCUSSIONS

5.1. The following pre-application discussions have taken place with regard to this proposal:

Application:	Response Sent	19 August 2022
22/01449/PREAPP		

The forthcoming planning application will propose a new three-storey, circa 4776 internal sqm, TVP Forensic Investigation Unit building. The site has an area of approximately 1.178ha and the proposed development will be in Class E Use

5.2. Overall, the principle of development could be acceptable, provided there is justification to support a future planning application. Concerns were raised regarding the orientation of the building and its relationship with the new strategic link road. Further consideration would also have to be had on the existing highway network. A Transport Assessment would be required to demonstrate the development would not result in a severe impact on highway safety. It was recommended that further information is submitted to demonstrate the impact on residential amenity, such as lighting details and cross sections.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **15 November 2022**, although comments received after this date and before finalising this report have also been taken into account.

6.2. The comments raised by third parties are summarised as follows:

6.3. 48 objections have been received in respect to the application raising the following concerns:

- The scale of the building

- It is too large for the site, and too close to existing residential dwellings, should be sat back into the site further.
- The height of the building will overshadow the existing houses along Howes Lane
- The proposed development, by reason of the amount of glazing and external balconies will result in a loss of privacy
- The development will result in light pollution due to the amount of glazing on the building
- The proposal will have a detrimental impact on highway safety and congestion in the locality.
- The development should not occur until the strategic link road is in place

6.4. 5 letters of support have been received raising the following:

- The development will bring welcomed skilled jobs into Bicester
- The precedent in height has been established
- Consideration needs to be given to active modes of transport

6.5. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. **RESPONSE TO CONSULTATION**

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. **BICESTER TOWN COUNCIL: object** on the grounds that the height of the building will be overbearing to residents and is not in keeping with the locality. The proposal will also result in the loss of privacy for these residents. Concerns with the existing parking issues, and the proposed development would exacerbate the situation. The development should not commence until the realigned Howes Road is completed. Although the Town Council welcomes the high quality jobs coming into Bicester and the expansion of the site.

CONSULTEES

7.3. **OCC HIGHWAYS:** It is indicated that the response will be one of **no objection** subject to conditions and the entering into a S106 in respect of the access, fencing details, visibility spays, public transport, S278 agreement, Travel Plan. An update will be provided through the Written Updates if possible.

7.4. **OCC LEAD LOCAL FLOOD AUTHORITY: No objections** subject to the imposition of conditions to secure the Surface Water Drainage, and Sustainable Urban Drainage (SUDs) as built and maintenance details conditions.

7.5. **OCC ARCHAEOLOGY: No objections**

- 7.6. CDC ENVIRONMENTAL HEALTH: **No Objections** on noise or air quality. **No Comments** on contaminated land, odour or light
- 7.7. CDC LAND DRAINAGE: **No Objections**
- 7.8. CDC ECOLOGY: **No objections** subject to the imposition of a LEMP and CEMP conditions.
- 7.9. FIRE SERVICE: **No Comments**. Will be subject to a building regulations application.
- 7.10. CRIME PREVENTION DESIGN ADVISOR: **No objections**
- 7.11. ENVIRONMENT AGENCY: **Provided Guidance**. The environmental risks for the construction of the proposal relates to Groundwater protection.
- 7.12. THAMES WATER: **No Objections**
- 7.13. NATIONAL HIGHWAYS: **No Objections** subject to the imposition of condition relating to a Construction Traffic Management Plan.
- 7.14. CPRE: **Objects**. It should be part of the local plan, the proposal is not in accordance with SLE1. Located on agricultural land, out of scale with the locality, contamination issues, behind on housing targets, impact on residential uses, should be zero carbon. Issues with BNG, impact on Howes Lane.
- 7.15. BICESTER BUG: **Comments**. Welcomes the aspirations of the application to invest in additional local employment. However, is concerned with how visitors and staff can access the site via active travel modes.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE4: Improved Transport and Connections
- BSC9: Public services and utilities
- ESD1: Mitigating and adapting to climate change
- ESD2: Energy Hierarchy and Allowable solutions
- ESD3: Sustainable construction
- ESD4: Decentralised Energy Systems
- ESD5: Renewable Energy
- ESD6: Sustainable flood risk management
- ESD7: Sustainable drainage systems

- ESD8: Water resources
- ESD10: Biodiversity and the natural environment
- ESD13: Local landscape protection and enhancement
- ESD15: Character of the built environment
- ESD17: Green Infrastructure
- Policy Bicester 1: North West Bicester Eco Town
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design and external appearance of new development
- C30: Design Control

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Eco Towns Supplement to PPS1
- North West Bicester SPD (February 2017)
- Conservation of Habitats and Species Regulations 2017

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Transport
- Visual impact of the proposed development
- Residential amenity
- Ecology impact
- Drainage
- Eco Town Standards
- Other matters

Principle of Development

Policy Context

- 9.2. Policy SLE1 of the Cherwell Local Plan Part 1 (2011-2031) sets out that employment development on new sites allocated in the Plan will be the type of employment development specified within each site policy. The Plan has an urban focus to development, with allocated employment sites focussed predominantly at Banbury and Bicester.
- 9.3. The adopted Cherwell Local Plan 2011-2031 Part 1 includes strategic allocation Policy Bicester 1, which identifies land at NW Bicester for a new zero carbon mixed use development including 6,000 homes and a range of supporting infrastructure including employment land. The policy is comprehensive in its requirements and this, alongside the other relevant policies of the Development Plan are relevant to the consideration of this application. The application site forms part of the land allocated by Policy Bicester 1.
- 9.4. Policy Bicester 1 identifies that planning permission will only be granted for development at NW Bicester in accordance with a comprehensive masterplan for the whole area. A Masterplan has been produced for NW Bicester and this has been embedded within the North West Bicester SPD, adopted in February 2016.

The SPD amplifies the Local Plan policy and provides guidance on the interpretation of the Eco Towns PPS and standards for the NW Bicester site.

9.5. Policy Bicester 1 sets out various requirements for the site and for employment, it requires as follows:

- Land Area – a minimum of 10 ha, comprising business premises focused at Howes Lane and Middleton Stoney Road, employment space in the local centre hubs and as part of mixed use development;
- Jobs created –At least 3,000 jobs (approximately 1,000 jobs on B use class land on the site) within the plan period;
- Use classes – B1, with limited B2 and B8 uses;
- It is anticipated that the business park at the Southeast corner of the allocation will generate between 700 and 1,000 jobs in use classes B1, B2 and B8 early in the Plan period;
- A Carbon Management Plan shall be produced to support all applications for employment development
- An economic strategy to be produced to support the planning applications for eco-town proposals demonstrating how access to work will be achieved and to deliver a minimum of one employment opportunity per new dwelling that is easily reached by walking, cycling and/or public transport;
- Mixed use local centre hubs to include employment (B1(a), A1, A2, A3, A4, A5, C1, D1 and D2);
- New non-residential buildings will be BREEAM Very Good with the capability of achieving BREEAM Excellent.

9.6. The NW Bicester Masterplan incorporated within the SPD identifies the land subject of this application for residential uses. The Masterplan identifies an area for business/ commercial uses to the west of the Avonbury Business Park and the TVP existing building. The SPD does though include guidance on employment and it identifies that the creation of a mixed-use development would play a part in ensuring that unsustainable commuter trips are kept to a minimum.

9.7. The NPPF identifies that significant weight should be placed on the need to support economic growth and productivity. Planning policies and decisions should also help create the conditions in which businesses can invest, expand and adapt. Paragraph 82 sets out 4 criteria that planning policies should:

- a. set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
- b. set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- c. seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and

- d. be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances

Assessment

- 9.8. It is clear that the masterplan identifies the area for residential use, therefore the proposal changes the master plan by proposing an alternative form of development on the land. The main issues in regard to the principle is the loss of the land for residential uses and secondly whether the additional commercial development can be justified.

Loss of land for residential purposes

- 9.9. The NPPF sets out that the Government's objective is to significantly boost the supply of housing. The loss of land for residential purposes would not assist in significantly boosting the supply of housing within the site allocation or the District as a whole.
- 9.10. The site area is 1.29ha, therefore it is likely that 40-45 dwellings could be accommodated on the application site which is a modest number in the context of the number of dwellings allocated at NW Bicester. It is acknowledged that other applications on the wider allocated site are proposing residential development at a higher level than anticipated. Whilst these are not at an advanced stage and therefore there is no certainty that residential numbers will be higher, it is, in the view of Officers, possible that this modest shortfall could be made up elsewhere on NW Bicester.
- 9.11. Nevertheless, the proposal would change the Masterplan, and the applicants have provided details on why this land is being brought forward rather than housing as was advised as being necessary during the pre-application process.
- 9.12. Thames Valley Police propose to establish a new Technical Services Building (TSB) to consolidate a number of constituent teams (currently based at Kidlington) in a single place. The existing locations for the services which will be located in the proposed new building are currently not appropriate for modern policing, and at present, there is a significant risk that operational requirements may be compromised. The development will bring in a new bespoke designed, modern and fit-for-purpose TSB for Thames Valley Police (TVP). The aim of TVP is to create a unique flagship development to deliver the best in practice operational functions and to be a leading example of how to deliver such facilities for other forces.
- 9.13. TVP seeks to further demonstrate its logic for requesting non-residential uses in this area which is due to land ownership. The site is owned by TVP (Gowell Farm) and the Bicester Traffic Base is located east of the application site so the proposal would be close to established TVP uses. The realignment of Howes Lanes is located to the west of the site and separates the site from the wider allocation.

Use of land for commercial purposes

- 9.14. The policy allows for other employment land outside the main area for employment which is at the south eastern corner of the site. This is identified by smaller areas within the Masterplan. Therefore, the commercial use will not appear out of context within its immediate character. In addition, it is suggested a higher density for residential development will be developed elsewhere on Gowell Farm and

Aldershot Farm area. There is a current planning application for this area of the site (14/01641/OUT) albeit this is not currently actively being pursued.

- 9.15. As highlighted in the paragraphs above, the site is next door to existing TVP operations. It is identified that existing Police buildings and their locations are not fit for purpose for the running of a modern police service, and new bespoke buildings are required. The application also falls within the use Class E, which Policy Bicester 1 allows for (i.e. the reference to use Class B1), therefore it will be in compliance with the use classes identified as being appropriate within NW Bicester.
- 9.16. The proposed building will result in a significant uplift of staff members in specialist roles, 25 Full Time Equivalent (FTE), and a further 40FTE across the force. It is also anticipated that training will be provided within the TSB. This supports the economic objectives of the Eco-Town, and will as a result provide a high-quality, well-designed employment space, and an increase in local spending.
- 9.17. Officers consider that the development will bring economic benefits to the locality, and that they should attract moderate weight within the planning balance. Although some of the economic benefits are not unique to this development alone.

Conclusion

- 9.18. Policy ESD1 seeks to mitigate the impact of development within the district on climate change by encouraging growth to be distributed to the most sustainable locations. Bicester is a sustainable location, and given the site is within the allocated land at NW Bicester (Eco Town) by Policy Bicester 1, which seeks a mixed-use development, it is acknowledged that this proposal would have some benefits in enabling job opportunities to be provided in close proximity to new residential uses and which would be accessible by sustainable modes of transport.
- 9.19. It is acknowledged that the site is identified for housing through the NW Bicester SPD and Policy Bicester 1 requires development proposals to be in accordance with the comprehensive masterplan for the whole area. There is therefore some conflict with Policy Bicester 1 in this respect.
- 9.20. However, the justification for a new bespoke, modern building for TVP is significant, as it would enable TVP to locate this use close to existing TVP uses. In addition, TVP has control over other parts of the allocation which will be pursued separately. There is no reason that the loss of the current land for housing (as identified by the NW Bicester SPD) cannot be compensated for elsewhere in the development as the number of dwellings that could be accommodated on the land is likely to be modest.
- 9.21. There are some benefits of providing additional employment uses and creating a state-of-the-art TSB for TVP and it would be within proximity to other similar employment uses in close proximity to the site. In addition, the proposal would create employment opportunities close to existing and proposed residential development. Overall, it is considered that the principle of employment uses in this vicinity could be acceptable in principle subject to a consideration of all other matters.

Transport

Policy Context

- 9.22. The NPPF confirms that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe. Development proposals should promote sustainable transport, ensure safe and suitable access can be achieved and mitigate any significant impacts to an acceptable degree.
- 9.23. Policy SLE4 of the Cherwell Local Plan Part 1 2011-2031 also requires development to facilitate the use of sustainable transport and confirms that new development must mitigate offsite transport impacts. At NW Bicester, and as confirmed by Policy Bicester 1 and the NW Bicester SPD through a series of development principles, the achievement of modal shift, infrastructure to support sustainable transport and for development to facilitate the provision of new strategic infrastructure (including contributions towards it) are clear requirements

Assessment

- 9.24. Policy Bicester 1 identifies changes and improvements to Howes Lane and Lords Lane to facilitate the integration of new development with the town. The NW Bicester SPD identifies a re-aligned route for the A4095 (Howes Lane). The new strategic route will allow for improved walking and cycling opportunities, be designed into the development and alongside a new vehicular bridge which has already been constructed. This results in a solution to the heavily constrained Howes Lane/Bucknell Road/Lords Lane junction.
- 9.25. Oxfordshire County Council have historically and consistently advised the Council that the Howes Lane/Bucknell Road/Lords Lane junction does not have the capacity for development at NW Bicester past a certain level of development until the realignment of the A4095 has occurred and is operational.
- 9.26. Members are aware that at the end of 2021, recommendations were made to the Future Oxfordshire Partnership to re-allocate the Oxfordshire Growth Deal funding for the Howes Lane realignment elsewhere in Oxfordshire due to the concerns around the timing of the funding and the delivery of housing. The Cabinet at OCC endorsed the recommendation, and the funding has been allocated elsewhere.
- 9.27. At present, the Howes Lane realignment project is unfunded but this is being worked on. Officers are aware that other options for the route are being explored. The current proposal will need to protect the approved route for the strategic infrastructure.
- 9.28. OCC initially objected to the proposal, not due to the impact on the existing highway network, but due to the development encroaching upon the permitted road scheme for the realignment of the A4095, lack of infrastructure to ensure safe pedestrian and cycle access to the site, vehicle swept path analysis should be provided for the roundabout on the site, and the need to ensure that visibility splays at the site access are achievable when the road layout is changed.
- 9.29. OCC have not objected to the proposal based on traffic movements; this is due to the shift patterns TVP operate. These are outside the peak times, so the impact on the highway network is limited for this proposal. It is acknowledged that the realigned road does need to come forward, but it is not required before the implementation/operation of the proposed TVP building.
- 9.30. The applicants have provided additional information during the application process to overcome the concerns of OCC. At the time of writing the report the applicants have overcome all but one objection of OCC. The applicants have now proposed a

new puffin crossing to allow safe crossing by pedestrian and cycle users, as well as provided details of the swept path analysis for the roundabout and the visibility splays.

- 9.31. The outstanding objection is the development encroaches upon the permitted road scheme for the realignment of the A4095. The main issue is with the fencing and its location with the back of the footpath. Having liaised with OCC, and in order to overcome the concerns/objection it has been suggested that a suitably worded condition be imposed for further details of the exact location of the fence which it is hoped would overcome the concerns of OCC. OCC's final view on this and whether this could result in a response of no objection is awaited. This is considered to be a reasonable approach, ensuring this matter can be discussed during the condition submission and to ensure that this proposal would not preclude the permitted road scheme. It is acknowledged that the applicant would like to work with OCC to find a solution.
- 9.32. The Transport Assessment (TA) gives an overview on how the site is linked to the network through its existing footway network, and how in the future it will be further improved during the further development of NW Bicester as a whole. Concerns have been raised regarding the existing and proposed links, and how it not sufficient without further improvement. This further improvement is through the construction of a puffin crossing. This will improve the connections with Bicester as a whole.
- 9.33. A Travel Plan has also been prepared, which sets out the long-term management strategy to manage the number of trips generated to the site. This includes increasing awareness for staff and visitors about the advantages and potential for travel by more environmentally friendly modes and introducing a package of physical and management measures that facilitate other modes of transport other than the car. Compliance with the Travel Plan would be secured through a monitoring fee that is recommended to be included within a S106. This will be important to ensure that the site contributes to the ambitious modal shift targets for NW Bicester.
- 9.34. The proposal includes 20 electric car parking spaces, with further infrastructure in place for further electric charging points for the future. The proposal also includes the construction of 18 cycle spaces to encourage other modes of transport.
- 9.35. S106 obligations are requested for various mitigation measures, and these are detailed and explained further in Appendix 1 of this report.

Conclusion

- 9.36. It is appropriate to note that this proposal seeks to bring forward development in advance of the realignment of the A4095. This is due to the timings of the trip generations of the staff, as these will be outside peak times. It is considered that it would be appropriate to impose a condition restricting its use to TVP only. This will allow the Council to assess any change in circumstances. It is considered that the highway impact on the highway network would not be severe (as defined by paragraph 111 of the NPPF)
- 9.37. OCC has raised no objections to the proposal following the submission of amended details for the scheme apart from one outstanding issue which appears resolvable. Officers agree that the proposed measures would contribute towards a modal shift for transport in accordance with Policy Bicester 1. Planning conditions and obligations have been recommended to secure the requirements and to mitigate

the impact of the development as part of the Masterplan for the site. Officers consider that the scheme complies with the above-mentioned policies.

Visual impact of the proposed development

Policy Context

- 9.38. Policy ESD15 of the Cherwell Local Plan Part 1 2011-2031 sets out that development will be required to meet high design standards and to complement and enhance the character of its context. It has a number of criteria which are used to assess development proposals. Policy Bicester 1 includes a number of key site-specific design and place-shaping principles which, amongst others requires a high-quality exemplary development and design standards, a well-designed approach to the urban edge which relates development to its rural setting and to respect its landscape setting whilst incorporating open space (40% of the site) and landscaping. It also states that there is a need for careful design of the employment units to limit adverse visual impact and ensure compatibility with surrounding development. Policy ESD13 relates to Local Landscape Protection and Enhancement and requires that development respects and enhances local landscape character.
- 9.39. The NPPF emphasises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The importance of design has been heightened and there is a fundamental role to the planning process in creating high quality, beautiful and sustainable buildings and places.
- 9.40. The NW Bicester SPD includes various development principles, but it also emphasises that sustainability should be a key driver in the design of the eco-town and that proposed development should create a unique image for the eco-town. For the commercial uses at Middleton Stoney Road/ Howes Lane, the SPD confirms that buildings will be in a high-quality landscape setting with high quality offices providing research and development facilities. The height of development in this area of the site is also considered with the need for heights to be carefully considered to recognise the prominence of the location and which should relate to the residential neighbourhood nearby. Whilst this site is not within this area, the key requirements are considered to be necessary for this site also. The SPD explains that the diversion of the A4095, whilst resolving transport constraints, provides a strategic route for the town and creates an urban boulevard for the new development. It is intended to have the character of a bustling street and be a place of pedestrian activity and a focal point of the new community. It also emphasises the importance of continuity and enclosure which should define the street and public spaces and establish a clear hierarchy of streets.

Appraisal

- 9.41. The proposed building will be a standalone building, due to its relationship with the strategic link road, and the existing TVP buildings to the east. As proposed, the alignment of the building results in the front of the building addressing the existing Howes Lane with a service building and car parking to the rear. The overall design is intended to be an exemplar building within its setting. It is understood the height, not including the sky lanterns would be 15m, 16.5m with the roof lantern. The height of the chimney would be 19.5m. This would generally comply with the SPD which allows for taller buildings within local centres and along the strategic route of up to four stories but its impact on landscape, visual and residential receptors will need to be considered.

- 9.42. There was concern raised at the pre-app stage regarding the overall siting, given its relationship with the proposed strategic link road, (i.e. backing onto it). This will become the main route through the site, and it was advised that any development should respond to this, so a sense of place is created. It was suggested that the building is flipped, so that the plant building and car park is located adjacent to Howes Lane. However, given the need for the new building for TVP to come before that of the strategic link road, the applicants deemed it more appropriate for the building to face onto Howes Lane. This is also due to current security concerns/requirements of such a facility and how it would be used.
- 9.43. During the application process, the applicants have amended the plant building, to create a more attractive feature of the building. Although the scheme has been improved, there are still some concerns about the impact the proposal will have on the new strategic link road. The applicants have tried to create an active space to this element, so a positive street scene could be established as a result of the proposed development.
- 9.44. The applicants have also considered landscaping in order to create an attractive and active space. Given the security measures required for the scheme, there is a 2.7m wire mesh fence around the perimeter proposed. Although this could look stark and unappealing within the street scene, there is landscaping to mitigate the impact upon the wider locality to soften its impact. There will be some negative impacts from the proposed development as a result of the inclusion of the security meshing that is required.
- 9.45. With respect to the design of the building itself, the bulk of the building is broken up by different materials, with large areas of glazing and this gives the building a contemporary appearance that is supported. This softens the dominance of the building within its setting and its relationship with other buildings nearby. The material palette will be a key element, and taking into account what is proposed, it is considered the proposal will not result in a dominant feature within the landscape. The current landscape is changing given the site allocation for 6000 dwellings and associated development in accordance with Policy Bicester 1. The proposed development could look stark with its immediate setting at the beginning, but given the allocation it is considered that over time, it will sit comfortably in that changing context.
- 9.46. The application includes an extensive landscaping proposal that aims to soften the overall impact on the proposed development and create an external space that complements the exemplar building and creates an attractive place for the members of staff. The proposal seeks to retain 40% Green Infrastructure across the site. Although some of the hedgerow will be removed for visibility purposes, the proposal seeks to provide 41% which is above the minimum requirement for NW Bicester.

Conclusion

- 9.47. The application will result in some negative impact on the character and appearance of the locality in the future as a result of its orientation with the new strategic link road. The applicants have tried to mitigate this by amending the overall design of the plant building as much as possible, and the inclusion of additional landscaping to soften the overall impact.
- 9.48. The majority of the proposed building will be 15m in height, with a maximum height of 19.5m for one particular feature, and it will not be out of keeping with other buildings on NW Bicester at the south of the site and those that could be achieved alongside the strategic road. The NW Bicester SPD does allow for taller buildings.

Although it will be seen as a large building initially, when the other proposed development on the allocated site is constructed, it will not be seen in isolation, but as part of the wider development.

- 9.49. Although there will be some harmful impacts due to the nature of the proposed building, the design of the main building will create an exemplar building for NW Bicester and TVP. Overall, the design and impact on the character and appearance of the locality are considered to be acceptable.

Residential Impact

Policy Context

- 9.50. Policy ESD 15 of the Cherwell Local Plan Part 1 (2011-2031) sets out the criteria for development to consider the amenity of both existing and future development. This includes privacy, outlook, natural lighting, ventilation, and indoor and outdoor space. It also seeks to limit the impact of light pollution from artificial light on local amenities. The NPPF also requires that planning policies and decisions should ensure development creates places that are safe, inclusive, and accessible and which promote health and wellbeing, with a high standard of amenity for existing and future users.

Assessment

- 9.51. The proposal is for the construction of commercial development for the purposes of TVP. Concern has been raised regarding the overall dominance of the building on the nearby residential dwellings to the east which back onto Howes Lane, as well as overlooking to neighbouring properties, given its relationship.
- 9.52. The neighbouring properties are located to the east/south of the application site and are single storey in height. The new TSB is proposed to be 15m in height, extending to 16.5m to the roof lights. This is a considerable height difference between the commercial element and the residential properties, and if the development was adjoining these properties would cause a significant impact on the residential amenities. However the proposed building is sited 60m away from the nearest residential property, somewhat back from the boundary with Howes Lane and with landscape proposals between. Therefore the impact on the nearby residential dwellings will be greatly reduced. It is considered the distance between the existing dwellings and the proposed building alongside the landscaping proposed is acceptable and will not result in a detrimental impact on the nearby residential properties through being overbearing.
- 9.53. Concerns have also been raised regarding the impact on the neighbouring properties through overlooking. There are concerns the balconies on the first and second floor will overlook the residential dwellings and associated amenity space. The proposed balcony and windows will be 60m away from the nearest residential property. Although these are at a higher level than the nearby residential properties, and there may be a perception of loss of privacy due to the height, the intervening distance between the proposed building and the residential dwellings is considered to be sufficient not to cause a detrimental impact on the amenity of neighbouring properties through overlooking.
- 9.54. Environmental Health have commented on the application, and they do not have an objection with respect to noise or disturbance, to the nearby residents.

Conclusion

- 9.55. It is acknowledged that the proposed scheme is not for residential development as envisaged within the Masterplan. The building has been sited, so it is 60m away from the nearby residents. Therefore, it is considered that the impact upon residential amenity of nearby residential properties is acceptable, in accordance with Policy ESD15.

Ecology Impact

Policy Context

- 9.56. Policy ESD10 of the CLP Part 1 2011-2031 requires the protection and enhancement of biodiversity and the natural environment and this includes the protection of trees and hedgerows, an assessment of the potential to cause harm to protected species or habitats, and to achieve a net gain for biodiversity. Policy Bicester 1 also refers to the need to achieve a net gain for biodiversity. Biodiversity is also a development principle important in meeting the eco-town standards to achieve a net gain and to mitigate and enhance.
- 9.57. There are also Legislative requirements set out in The Conservation of Habitats and Species Regulations 2017 which must be taken into account in considering development proposals where habitats or species might be encountered.
- 9.58. Paragraph 174 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

Assessment

- 9.59. The applicants have provided an Ecological Assessment Report, as well as a Biodiversity Net Gain Assessment. The conclusion is that a Biodiversity Net Gain (BNG) of over 10% is achievable. It is proposed that there will be a gain of 20.57% in Biodiversity Units and 62.01% gain in Hedgerow Units.
- 9.60. The Ecological Officer has considered the findings of both the ecological assessment report as well as the Biodiversity Net Gain Assessment. It is acknowledged that there are few ecological issues on site in terms of protected and priority species and habitats.
- 9.61. The ecological assessment concludes that the impact on any ecological constraints during construction can be dealt with by way of a planning condition (CEMP), and the ecologist considers that this would be the appropriate route for protection of species and retained vegetation. Although it should be noted that a revised ecological assessment should occur, if development commences after two years of the date of the assessment (September 2022).
- 9.62. In regard to the BNG, although this could be achieved, it will also need to be subject to management, use and the quality of the created habitats. A full LEMP with a management and monitoring scheme should be conditioned to ensure these targets are met. The LEMP should also include biodiversity enhancements, including swift boxes, log piles etc.
- 9.63. There are concerns regarding the emissions of ammonia gases on site, and that these pollutants can have impacts on sensitive habitats in the vicinity, such as Bignell Parkland and woodland belts. The applicant is content that a suitably

worded condition can be imposed to provide certainty about the levels and potential impacts of the emissions along with a monitoring plan.

- 9.64. Lighting also has the potential to result in a negative impact on protected species, and it is recommended that a condition is imposed to ensure the proposed development does not have a negative impact. This would also be important from a residential amenity perspective too.

Conclusion

- 9.65. The Council's Ecologist is satisfied that subject to the imposition of planning conditions to secure mitigation and improvements, that the development would be acceptable in respect to the impact upon any habitats or protected species and that they would be safeguarded. The Council's duty under the Conservation of Habitats and Species Regulations 2017 is therefore met and has been discharged.
- 9.66. A net biodiversity gain has been demonstrated as being achievable, although the Council's Ecologist does consider that how this is achieved must be considered via the Landscape Ecology Management Plan to ensure that a net gain can be achieved. The contribution towards offsite mitigation towards farmland birds is also relevant in this respect
- 9.67. On this basis, the proposal is considered to be acceptable in ecological terms and compliance would be possible with the above planning policies.

Drainage and Flood Risk

Policy Context

- 9.68. The NPPF states at paragraph 167 that *when determining applications, Local Planning Authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood risk assessment.* Paragraph 169 also requires that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.*
- 9.69. Policy Bicester 1 of the CLP 2011-2031 Part 1 requires that proposals should include a flood risk assessment, that development should not be provided in areas of flood risk and sustainable urban drainage should be provided in accordance with ESD7 (the policy acknowledges that SUDs would be part of the Green Infrastructure).
- 9.70. Policy ESD6 refers to Sustainable Flood Risk Management and sets out that flood risk will be managed and reduced with vulnerable development to be located in areas with lower risk of flooding. Policy ESD7 sets out that all development will be required to use sustainable drainage systems for the management of surface water flooding.

Assessment

- 9.71. The applicants have submitted a Flood Risk Assessment to accompany the application. The FRA finds the site is located within Flood Zone 1, which is at limited risk of flooding.
- 9.72. The proposed flood risk mitigation strategy for the proposed development includes threshold levels of any sensitive structure and floor levels of any buildings will be set above 150mm, and a Sustainable Urban Drainage System (SuDS) will be

incorporated within the site through basins, swales, and geo-cellular crates. This will control discharge at greenfield rates to an existing surface water sewer present on site.

- 9.73. Following the submission of further information, the Lead Local Flood Authority (LLFA) has no objection to the proposed development, provided that a surface water drainage scheme is submitted and approved in writing by the Local Planning Authority. This is required to be submitted prior to commencement of the development. Also prior to the first occupation details of the construction of the SuDS and maintenance details shall be submitted to the LPA.
- 9.74. Thames Water also offers no objection to the proposed development, however, recommends an informative on any approval. The Cherwell District Council Land Drainage Engineer has commented on the application. They are generally satisfied with the proposed development. Further consideration should be given to Surface Water Drainage, however, this is proposed to be controlled by way of a planning condition.

Conclusion

- 9.75. Given the comments from the LLFA, Thames Water, and the Council's Land Drainage Engineer it is anticipated that a surface water drainage scheme will be achievable, and the above-mentioned Policies would be complied with.

Eco Town Standards

- 9.76. The Eco Town Standards which apply to the site are incorporated into Policy Bicester 1 and amplified by the NW Bicester SPD. These include several standards which are at a higher level than other sites to ensure the provision of a sustainable development that responds to the impact of climate change and that is built to true zero carbon standards (defined as 'over a year, the net carbon dioxide emissions from all energy use within the buildings on the development as a whole are zero or below'). Policies ESD1-5 of the Cherwell Local Plan Part 1 2011-2031 are complementary and apply District wide to ensure sustainable development.

True Zero Carbon and Climate Change Adaption

- 9.77. The application is accompanied by an energy statement and low and zero-carbon feasibility study. The building is anticipated to be an exemplar building for the police force as a whole, and it will be built to BREEAM Excellent standards. Policy Bicester 1 states that development needs to achieve True Zero Carbon, with commercial development achieving BREEAM Very Good with the capability of achieving BREEAM excellent. The scheme accords with the BREEAM requirement; however, the proposal does not currently achieve True Zero Carbon. This is due to the nature of the energy use of the building. The applicants although cannot achieve True Zero Carbon on the site, TVP has environmentally sustainable related policies within an Environmental Sustainability Strategy. The applicants also state that they are not able to offset its carbon due to the age of the existing building stock. However, in the future they aim to construct new buildings to achieve zero carbon, including other land within its ownership on NW Bicester.
- 9.78. Policy Bicester 1 seeks to ensure that all developments are True Zero Carbon, to which the proposed building does not fully comply currently. For TVP to achieve True Zero Carbon, there will need to be an offset requirement, however, this would be limited given the state of the existing building stock. The proposed building is close to True zero carbon and would achieve BREEAM Excellent level which could be secured by condition. However, although it is close to True Zero Carbon, it is

considered further consideration is required to determine how close the scheme is to achieving the true zero carbon requirement and how this could be mitigated for if not (to achieve the requirement as far as possible). As part of the Section 106 process, it is considered that a mitigation scheme to achieve as close to true zero carbon should be entered into.

- 9.79. It is acknowledged that the proposal is for a public building, and further mitigation could have an impact upon public funding, however as a public building it also should seek to achieve the policy further adding to the credentials for the exemplar building and due to its location on a site allocated for zero carbon development.

Healthy Lifestyles

- 9.80. The NW Bicester SPD (Development Principle 7 – Healthy Lifestyles) requires health and wellbeing to be considered in the design proposals. The proposal seeks to amalgamate the existing services within TVP into one location. At present, the employer facilities are not currently fit for purpose, and the health and wellbeing of existing employees are at risk. The new exemplar building seeks to create a space that encourages healthy lifestyles. This includes private and networking space, both internally and externally through the proposed landscaping.
- 9.81. The applicants have also engaged with the LHA to provide improved connections to the site to encourage staff and visitors to access the site by sustainable modes. This will allow for the business to make healthy lifestyle choices. The Travel Plan will also help to achieve this, which is proposed to be monitored by the way of a S106 and a payment to OCC to monitor it.

Local Services

- 9.82. The NW Bicester SPD (Development Principle 8 – Local Services), requires facilities to meet the needs of local residents and employees with a range of services located in accessible locations to homes and services.
- 9.83. The masterplan approach has allowed the distribution of local services to be planned taking into account accessibility to housing. The facilities are located to the east and south of the site according to the Masterplan, so would be accessible to employees via sustainable modes.

Water

- 9.84. The NW Bicester SPD (Development Principle 10 – Water) requires development to be ambitious in terms of water efficiency. Bicester is located in an area that is already experiencing water stress, and this is one of the key known future climate impacts for Bicester.
- 9.85. The applicants have provided an 'Energy Statement' which outlines how the development will reduce water consumption. The methods include low water consumption taps, low water consumption showers, low flush dual capacity toilets, urinals to be fitted with presence detectors, sanitary supply shut off, water meters with pulse output, leak detection system, and automatic thermostat control. Overall, the application demonstrates how the proposed development will achieve reductions in water consumption.

Waste

- 9.86. The NW Bicester SPD (Development Principle 12 – Waste) seeks to ensure planning applications include a sustainable waste and resources plan, covering

commercial waste. This needs to demonstrate targets for residual waste, recycling, and landfill diversion. This should ensure that zero waste is sent to landfill from construction, demolition, and excavation.

- 9.87. The applicants are willing to provide a Sustainable Waste and Resources Plan as the detailed design works progresses, and a contractor is appointed. This can be controlled by way of a planning condition. The applicants acknowledge the requirement to ensure zero waste and accord with this aspect and this will be demonstrated at the condition stage.

Community and Governance

- 9.88. The SPD explains that Community and Governance is a key development principle that would contribute towards the creation of a balanced and mixed community and that an approach is required to ensure the development retains its integrity, continues to meet eco-town standards, and ensures that appropriate Governance structures are in place to achieve this. This is more relevant to proposals for residential development and is therefore not considered further with respect to this commercial proposal.

Cultural Wellbeing

- 9.89. Policy Bicester 1 refers to the provision of cultural wellbeing to enhance the quality of the place, create legibility and identity. The NW Bicester SPD (Development Principle 14 – Cultural Wellbeing), alongside appendix V sets out the process whereby developers would be requested to submit a cultural wellbeing statement to embed cultural enhancements through their scheme.
- 9.90. Although there is not a cultural wellbeing statement submitted as part of the application, it is mentioned within the planning statement. The proposal does not include public cultural wellbeing within the site, given its sensitive nature. However, the internal spaces within the site is designed to help contribute to the cultural wellbeing of the staff.
- 9.91. In addition, the exemplar proposal will contribute to the overall development creating a vibrant place. Although there is some conflict with the overall aim of the proposed development, it is proposed to create an exemplar building that promotes cultural wellbeing for the locality.

Other Matters

Environmental Considerations

- 9.92. With respect to environmental considerations, Policy ENV1 of the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other types of environmental pollution will not normally be permitted. The policy states that the Council will seek to ensure that the amenities of the environment and in particular the amenities of residential properties are not unduly affected by development proposals that may cause environmental pollution including that caused by traffic generation. Policy ENV12 of the Cherwell Local Plan 1996 relates to contaminated land and states that development on land which is known or suspected to be contaminated will only be permitted if adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- 9.93. The NPPF includes requirements around conserving and enhancing the Natural Environment. Paragraph 174 identifies that decisions should prevent new and

existing development from contributing to, being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 183 relates to ground conditions. Decisions should ensure a site is suitable for its proposed use, taking into account existing ground conditions. Paragraph 185 relates to the impact of developments on noise. Developments should mitigate and reduce to a minimum potential adverse impact.

- 9.94. The Environmental Health Officer has considered the application and its accompanying supporting documents. There are no comments on contamination, odour or light. In regard to noise and air quality, the Environmental Health Officer has reviewed the documents and is satisfied that the development would not have an unreasonable impact on noise or air quality provided the recommendations of the reports are followed.
- 9.95. The Noise Impact Assessment (NIA) indicates the noise from the plant will be 53 dB during Daytime hours (0700 to 2300) and 41dB at night time (2300-0700). These can be controlled by way of planning conditions, to ensure the noise levels do not exceed these as stated within the NIA.
- 9.96. The Air Quality Assessment (AQA) recommends that there are mitigation measures during the construction process. Although there will be an increase in traffic, this is considered to be not significant in air quality terms and does not require any mitigation. The mitigation measures proposed include headings under the following: communication, management, and earthworks. The measures can be controlled by way of a planning condition to ensure the mitigation is carried out.
- 9.97. Overall provided suitably worded conditions are imposed to securing noise levels and a construction management plan, the proposed development is unlikely to result in undue harm to the environment.
- 9.98. Policy ESD10 of the CLP 2011-2031 aims to secure the protection and enhancement of biodiversity and the natural environment. The protection of trees will be encouraged with the aim to increase the number of trees within the district. The applicants have submitted a Clearance and Tree Protection Plan. This indicates some of the hedgerow to the front of the site will need to be removed to allow for the visibility splays for the proposed development. The remainder will be retained and protected. The Council's Arboricultural Officer has not provided advice on this proposal, however the scheme as submitted is considered to be acceptable and the protection plan will be secured by condition.
- 9.99. The OCC Archaeologist has commented on this application and has confirmed that the site has been subjected to an archaeological evaluation and the proposals outlined would not appear to have an invasive impact upon any known archaeological sites or features. Therefore, there are no archaeological constraints to the scheme.

Conditions and S106

- 9.100. A S106 Legal agreement will be required to be entered into to secure mitigation resulting from the impact of the development both on and off site. This would ensure that the requirements of Policy INF1 of the CLP 2031 Part 1 can be met, which seeks to ensure that the impacts of development upon infrastructure including transport, education, health, social and community facilities (as relevant) can be mitigated. The Authority is also required to ensure that any contributions sought meet the following legislative tests, set out at Regulation 122 of the Community Infrastructure Regulations 2011 (as amended):

- Necessary to make the development acceptable in planning terms;
- Directly relate to the development; and
- Fairly and reasonable related in scale and kind to the development

9.101. The table at Appendix 1 sets out the required Heads of Terms and the justification for those requests.

9.102. Planning Conditions should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects (para 56). Tweaks may be required to the conditions to reflect queries that have been raised and following further comments/amendments during the S106 negotiation stage.

10. PLANNING BALANCE AND CONCLUSION

10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan comprises a number of relevant Policies and they are considered up to date for the purpose of considering this proposal.

10.2. The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social, and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

10.3. The 'Principle' section of this report states that the proposal creates some conflict with Policy Bicester 1, as it relates to commercial development in an area that is identified as residential use within the Masterplan for NW Bicester. Policy Bicester 1 requires planning permission to be granted in accordance with the Masterplan. This carries some weight against the development.

10.4. However, it is necessary to consider the merits of the scheme, given that it would result in the loss of residential land within the NW Bicester allocation. The applicant has demonstrated that there is a need within the force for the TSB, as currently the current accommodation in varying locations is not fit for the purpose of modern policing or the well-being of existing staff members. TVP currently owns the site, therefore TVP would also not be required to purchase land for a new building, and it does not have sufficient land elsewhere within its portfolio. In addition, the loss of the housing numbers, which are modest can, in all likelihood, be accommodated elsewhere within the allocation. This has been confirmed by TVP, as their land ownership extends further to the north (and south). This is a material consideration carrying weight in favour of the development.

10.5. Policy Bicester 1 does not limit the amount of commercial floorspace within the development, the conflict only arises because the Masterplan identifies the application site as residential. The proposal will contribute to the provision of additional skilled job opportunities that the policy seeks. This also contributes to the overall sustainability of NW Bicester. The scheme will provide opportunities within proximity to planned residential development. The scheme seeks to be constructed to BREEAM 'Excellent' standard. The NPPF also supports economic development, to enable businesses to invest, expand and adapt to respond to changes in circumstances.

- 10.6. The report demonstrates that the proposal would not be harmful to the landscape or the character of the locality including, on balance when the strategic road is realigned and the development is viewed mainly from that aspect. The development could also be accommodated on the site without having an undue harm to residential amenity of nearby properties. The proposal seeks to provide 40% Green Infrastructure and could achieve a Biodiversity Net Gain of over 10%. The proposal generally seeks to meet the eco-town standards, although will not achieve True Zero Carbon requirement on site, given the overall energy demands of the building. TVP have explained that it would be hard for the building to achieve true zero carbon on the site or within its existing building stock. It is acknowledged that this element is not truly compliant with Policy Bicester 1 and this carries weight against the development, however, mitigation measures can be provided through a S106 obligation relating to a sustainability plan for the building for its future.
- 10.7. The proposal provides appropriately for sustainable transport modes by providing improved walking and cycling infrastructure. The proposal will not preclude the delivery of the Strategic Link Road. OCC have also confirmed, given the shift patterns of TVP, a severe impact on the road network would not occur as a result of the proposed development. The proposed development should therefore not be restricted on transport grounds, and the development could be operated prior to the delivery of the new strategic link road.
- 10.8. On balance, Officers consider that the limited harm from the proposed development, and the ability of the scheme to meet most of the required standards on site, and the justification provided to support the applicants case for a bespoke TSB, means that the principle of development is acceptable in this case. The proposal is considered to accord with most of the above-mentioned policies except where specified. The weight to be given to any conflict with Policy, alongside other material considerations is also set out. The application therefore is recommended for approval.
- 10.9. Officers are satisfied, subject to the imposition of conditions, that the development, as supported by its accompanying documents would not cause serious harm to the environment, and any environmental impacts from the proposed development can appropriately mitigated for.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1.**

CONDITIONS

Time Limit and General Implementation Conditions

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason - To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: TO BE CONFIRMED.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with Government guidance contained within the National Planning Policy Framework.

3. The development shall be used as a Technical Services Building associated with Thames Valley Police only, and shall not be used for any other purposes whatsoever

Reason - In order to retain planning control over the use of the site and to ensure that the impacts of the development are no greater than those considered under this application in accordance with Policies SLE1 and Bicester 1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

4. All site clearance (including the removal of any vegetation or works to hedgerows) shall be timed so as to avoid the bird nesting season, this being during the months of March until July inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed, based on submission of a survey (no more than 48hrs before works commence) undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site as required.

Reason: To ensure that the development will conserve and enhance the natural environment and will not cause significant harm to any protected species or its habitat to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

5. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

6. The level of noise emitted from the site shall not exceed (A) 41 dB between 2300 and 0700 and (A) 53 dB at any other time, as measured 1m from the nearest noise-sensitive receptor as shown on figure 5-1 of the Noise Impact Assessment (A is noise level expressed as Laeq over a time period T (eg 1 hour day, or 5 mins night) and T is time of day).

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Saved Policy ENV1 of the Cherwell Local

Plan 1996

7. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting or amending that order) no gate, fence, wall or other means of enclosure shall be erected, constructed or placed other than the enclosures shown on the approved plans or to be agreed by condition 23, without the prior express planning permission of the Local Planning Authority.

Reason - In order to retain the open character of the development and in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner, and shall be maintained for a period of 5 years from the completion of the development. Any trees and/or shrubs which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent for any variation.

Reason: To ensure that the agreed landscaping scheme is maintained over a reasonable period that will permit its establishment in the interests of visual amenity and to accord with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

Pre-Commencement Conditions

9. No development shall commence unless and until full details of the means of construction access between the land and the highway, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details prior to the commencement of construction on site and shall be retained and maintained as such thereafter. Agreed vision splays shall be kept clear of obstructions higher than 0.6m at all times.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

10. Where the submitted Ecological Assessment Report is more than two years old at the date of the commencement of the development, no development shall commence, until an updated Ecological Assessment Report has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason - In the interests of biodiversity and to comply with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

11. No development shall commence until a Construction Method Statement, incorporating a construction traffic management plan has been submitted to and approved in writing by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to:

- a) The CTMP must be appropriately titled, include the site and planning permission number.
- b) Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- c) Details of and approval of any road closures needed during construction.
- d) Details of and approval of any traffic management needed during construction.
- e) Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- f) Measures to control the emission of dust and dirt during construction as detailed in paragraph 6.1.2 of the Air Quality Management Plan;
- g) Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- h) The erection and maintenance of security hoarding / scaffolding if required.
- i) A regime to inspect and maintain all signing, barriers etc.
- j) Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- k) The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- l) No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- m) Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- n) Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- o) Any temporary access arrangements to be agreed with and approved by Highways Depot.
- p) Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.
- q) Delivery, demolition and construction working hours;

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

12. No development shall commence until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is first occupied. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the

“Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason - To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community in accordance with Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

14. No development shall take place on any phase (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Arrangements for a site walkover survey undertaken by a suitably qualified Ecologist to ensure that no protected species, which could be harmed by the development have moved onto the site since the previous surveys were carried out. If any protected species are found, details of mitigation measures to prevent their harm shall be required to be submitted;
- b) Risk assessment of potentially damaging construction activities;
- c) Identification of ‘Biodiversity Protection Zones’;
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Best practice with regard to wildlife including use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of

the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

15. No development shall take place until the existing tree(s) to be retained have been protected in accordance with the approved Tree Protection Plan 1170 Atk Xx Xx Dr L 481002 P02 (Clearance and Tree Protection Plan) received 23rd September 2022 unless otherwise agreed in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason - To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme

16. No development shall take place until a Sustainable Waste and Resources Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To support the creation of a low carbon community to achieve the requirements of Policies ESD1 and Bicester 1 of the CLP 2011-2031. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

17. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be managed in accordance with the approved details set out in the LEMP.

Reason - To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

18. No development shall commence until a scheme to demonstrate that the development will achieve BREEAM 'Excellent' shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall set out a timescale for the provision of evidence, including certificates at design stage and post construction stages. Evidence of the achievement of BREEAM Excellent shall be provided in accordance with the approved scheme.

Reason: To support the creation of a low carbon community to achieve the requirements of Policies ESD1 of the Cherwell Local Plan Part 1 2011-2031.

CONDITIONS REQUIRING APPROVAL OR COMPLIANCE BEFORE

SPECIFIC CONSTRUCTION WORKS TAKE PLACE

19. Prior to their installation on any building, full details of the solar PV shall be submitted to and approved in writing by the Local Planning Authority. The solar PV shall be installed prior to first occupation and retained and maintained in working order thereafter.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

20. A schedule of materials and finishes to be used in the external walls and roof(s) of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. The development shall thereafter be completed in accordance with the approved details.

Reason - To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the parking areas, specification details (including construction, layout, surfacing, and drainage) of the turning area and parking spaces within the curtilage of the site, arranged so that motor vehicles may enter, turn round and leave in a forward direction and vehicles may park off the highway, have been submitted to and approved in writing by the Local Planning Authority. The turning area and car parking spaces shall be constructed in accordance with the approved details prior to the first occupation of the development and shall be retained as such for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

22. Prior to their installation on any building hereby approved, full details of any mechanical ventilation or extraction equipment (if applicable and including any air source heat pumps and their associated condenser units) shall be submitted to and approved by the Local Planning Authority. Thereafter the mechanical ventilation shall be installed, brought into use, and retained in accordance with the approved details.

Reason - In order to safeguard the amenities of the area and to minimise the risk of a nuisance arising from smells in accordance with Saved Policy ENV1 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

23. Notwithstanding the submitted details, prior to the first installation of any fencing, details of the fencing and its location shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed details.

Reason – To ensure that the fencing is appropriate to the appearance of the locality, to ensure the satisfactory appearance of the completed development and to ensure that the proposed fencing does not restrict the land required for

the future delivery of the realignment of Howes Lane and to ensure the development does not have a detrimental impact on the highway network in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

PRIOR TO OCCUPATION

24. Prior to the first occupation details of improvements to provide safe cycling and pedestrian access to the site along Howes Lane, including, position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The improvements shall be constructed in strict accordance with the approved details prior to first occupation.

Reason - In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25. Prior to the first use or occupation of the development hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

26. Prior to the first occupation of the development, a scheme for the provision of vehicular electric charging points to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The vehicular electric charging points shall be provided in accordance with the approved details prior to the first occupation of the unit they serve, and retained as such thereafter.

Reason - To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the adopted Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework

27. Prior to the first occupation of the development hereby approved, a Travel Plan, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans", shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be implemented and operated in accordance with the approved details.

Reason - In the interests of sustainability and to ensure a satisfactory form of development, in accordance with Government guidance contained within the National Planning Policy Framework.

28. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;
- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason - To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy ENV1 of the Cherwell Local Plan 1996 and Government advice in the National Planning Policy Framework.

29. Details of the external lighting, and security lighting including the design, position, orientation, and any screening of the lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the installation of any such lighting. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason - To protect the amenities of nearby residents and in the interest of biodiversity and to comply with Policies ESD10 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C30 of the Cherwell Local Plan 1996

30. Details of the levels of ammonia emissions from the operation of the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the building.

Reason – To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework

31. Details of a Management Plan for the control of ammonia emissions emanating from the building shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation. The details shall include any action requires where emissions exceed those as set out in condition 30.

32. Prior to the first occupation of the building, details of the measures to be installed in the building to minimise water consumption shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. The measures shall thereafter be retained in an operational condition.

Reason: To support the delivery of renewable and low carbon energy in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework

33. No employment building shall be occupied until it has been provided with service connections capable of supporting the provision of high-speed broadband from the building to the nearest broadband service connection outside The Site

Reason: To facilitate information delivery in accordance with Government guidance contained within the National Planning Policy Framework.

34. The building hereby approved shall be provided with real time energy and

travel information prior to its first occupation. Details of the provision the building shall be submitted to the Local Planning Authority and agreed in writing prior to the commencement of construction of the building above slab level. The devices shall thereafter be retained in operational condition.

Reason: To support the delivery of modal shift towards sustainable modes and create high quality, inclusive, sustainable development in accordance with Policy Bicester 1 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.

Informatives

1. Any alterations to the Public highway will be at the applicant's expense and to Oxfordshire County Council's standards and specifications. Written permission must be gained from Oxfordshire County Council's Streetworks and Licensing Team (0345 310 1111). Works required to be carried out within the public highway, shall be undertaken within the context of a legal Agreement (such as Section 278/38 Agreements) between the applicant and the Highway Authority.
2. Attention is drawn to a Legal Agreement related to this development dated XXX which has been made pursuant to Section 106 of the Town and Country Planning Act 1990, Sections 111 and 139 of the Local Government Act 1972 and/or other enabling powers.
3. If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](https://www.thameswater.co.uk/buildingwater).
4. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
5. The Environment Agency's response of the 06 October 2022 includes links to various publications relating to the duty to ensure that business activities do not cause or allow pollution. The applicant's attention is drawn to this.
6. The applicant is reminded that the Environment Agency have a regulatory role in issuing legally required consents, permits or licences for various activities. The applicant should ensure that any necessary consent, permit or licence is obtained from the Environment Agency should that be required.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Contribution towards Public Art	£8757.50 (£1.83 per sqm) index linked from 2Q17	TBC likely before first occupation	<p>Necessary – The NW Bicester SPD includes cultural wellbeing as one of its key development principles. The payment of a public art contribution would ensure that the development contributes to the creation of a culturally vibrant place at NW Bicester.</p> <p>Directly related – The proposal is part of the NW Bicester development. The contribution would be specified to be used towards the provision of public art within the NW Bicester development and therefore it would be directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The contribution is based upon the same rate per sqm of commercial development as was used in a S106 agreement for commercial uses to the south of the site which is considered to be fairly and reasonably related in scale and kind to the scale of development proposed.</p>
Biodiversity offset contribution to mitigate the impacts upon farmland birds	£1333.04 per hectare index linked	Prior to the first occupation of the	<p>Necessary – The Masterplan Strategic Environmental Report identified that it would not be possible to compensate for the loss of habitats used by farmland</p>

	2Q17	development	<p>birds as a consequence of the whole development at NW Bicester. It identified that offsite compensation to enhance the value of land for farmland birds would be necessary to mitigate for the impacts. As the development site is part of NW Bicester it is necessary that a contribution is made to account for its proportionate impact upon farmland birds.</p> <p>Directly related – The proposed contribution is directly related to the impacts on farmland birds arising from the development.</p> <p>Fairly and reasonably related in scale and kind – When it was identified that farmland birds could not be mitigated for on site as a consequence of the development, work was undertaken to identify that 200ha of farmland would need to be enhanced for a period of 25 years. An annual cost was proposed and then an additional 15% sum added for staff resource to implement and manage the scheme. This was multiplied by 25 to give a total sum for a 200ha area of land. The contribution was divided by the masterplan site area minus the Exemplar site to give a per hectare figure. This contribution will then be multiplied by the site area in this case of 1.3ha to give the total amount sought. The contribution sought is therefore fairly and reasonably related in scale and kind to the development.</p>
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Requirement to Monitor the development through the construction and post occupancy	NIL	The requirement to agree a scheme prior to implementation and then ongoing timescales to monitor the development	<p>Necessary – In order to ensure that the development is meeting the high standards sought across NW Bicester, to learn from the site and to allow improvements to future phases of the development, long term monitoring of the Eco-Town Standards is required. As such, it is necessary to secure a scheme of monitoring from this site.</p> <p>Directly related – The monitoring is directly related to the development itself.</p> <p>Fairly and reasonably related in scale and kind – The monitoring to be undertaken would be proportionate to the development itself and therefore is fairly and reasonably related in scale and kind to the development.</p>
Training and Employment Plan to secure 9 apprenticeship starts	NIL	TEP to be submitted for approval prior to the implementation of the development.	<p>Necessary – Policy Bicester 1 states that an economic strategy is to be produced to support planning applications demonstrating how access to work will be achieved. The CDC Planning Obligations SPD sets out the type of development and the thresholds on development that will trigger the requirement for the provision of a stated number of apprenticeships as part of an Employment and Skills Training Plan. In order for the development to contribute to this, it is necessary for a Training and Employment Plan to be submitted to secure apprenticeship starts.</p> <p>Directly related – The request is directly related to the development as the development itself is a vehicle to</p>

			<p>support an on-going programme of skills, training and apprenticeships. The apprenticeship starts would be directly related to the construction of the development itself.</p> <p>Fairly and reasonably related in scale and kind – The number is considered proportionate and therefore fairly and reasonably related in scale and kind to the development. The requirement for a TEP would also increase the skills opportunities on site.</p>
<p>Arrangements to protect the alignment of the future strategic road infrastructure. The area to be protected would be the land forming part of planning application ref. 14/01968/F. The agreement would also need to allow others onto the land to construct the road and for its future dedication as highway.</p>	TBC		<p>Necessary – The development includes land that is required to deliver a strategic link road based upon its currently planned route as shown on the NW Bicester Masterplan. In the same way that arrangements have been secured in the past related to other sites to the south, this site would also need to enable the route for the strategic link road to be protected. This is necessary to make the development acceptable.</p> <p>Directly related – This requirement is directly related to the development because the land adjoins the application site and as it is required for strategic purposes, the requirement to secure this is directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – the road is close to the site and related to it so the proposal to protect the route is fairly and reasonably related in scale and kind to the development.</p>

<p>A contribution towards highway works towards the:</p> <ol style="list-style-type: none"> 1) A4095 realignment and associated infrastructure 2) Middleton Stoney traffic calming. 3) Pedestrian and cycle infrastructure improvements in the area 	TBC	TBC	<p>Necessary – To improve sustainable transport options and to mitigate the cumulative impact of NW Bicester, and to provide safe cycling access to and within the vicinity of the site in accordance with the strategy for the NW Bicester Policy allocation.</p> <p>Directly related – The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. The development is situated on the NW Bicester site which cumulatively requires strategic infrastructure to mitigate its impact. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
<p>A public transport contribution towards bus services serving NW Bicester</p>	TBC	TBC or delegated authority is sought to enable officers to negotiate this	<p>Necessary –</p> <p>The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related –</p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport</p>

			<p>modes to ensure employees have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
A public transport infrastructure contribution towards bus stop infrastructure at NW Bicester	£25 924 index linked from October 2021 (Baxter)		<p>Necessary –</p> <p>The contribution is necessary to support the provision of sustainable transport options to the site and as part of the overall public transport strategy for the NW Bicester policy allocation.</p> <p>Directly related –</p> <p>The proposal provides for commercial uses which should be reasonably accessible via public transport modes to ensure employees have options to use sustainable modes of transport. This is infrastructure to support the public transport provision. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>

<p>There may be a need for a Traffic Regulation Order (if the matters are not dealt with under S278/S38 agreement). This is not clear yet.</p>			<p>Necessary – A TRO maybe necessary to reduce the speed along Howes Lane to provide safe access to and from the site and promote sustainable modes of transport contributing to the aims of Policy Bicester 1.</p> <p>Directly related – the requirement to deliver this highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind – The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and deemed necessary works to make the development acceptable and to provide sustainable means of access to the site.</p>
<p>Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans</p>	<p>£1 558 index linked from December 2021 (RPI-x)</p>		<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plan over their life.</p> <p>Directly related - The contribution is directly related to the required travel plan that relates to this development. Monitoring of the travel plan is critical to ensure it is implemented and effective in promoting sustainable transport options and contributing to the aims of Policy Bicester 1.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn is calculated based on the Officer time</p>

			required at cost.
Public Right of Way contribution towards improvements to Aldershot Farm Bridleway	TBC	TBC	<p>Necessary -</p> <p>The contribution is necessary to ensure that the site continues to pay a proportionate contribution to the overall public rights of way improvements required for the NW Bicester policy allocation.</p> <p>Directly related -</p> <p>The overall NW Bicester site would allow greater public access and use of local public rights of way by residents and employees of the development. The contribution is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind -</p> <p>The level of contribution sought would be proportionate and therefore fairly and reasonably related in scale and kind to the development.</p>
The requirement to enter into a S278 agreement	N/A	The requirement not to implement the development until a S278 has been entered into must be secured by the S106. The trigger by which time	<p>Necessary –</p> <p>The proposed offsite highway works are necessary to provide pedestrian and cycle links from the development site to the local area. As the works are necessary to create the opportunities for sustainable travel, their provision must be secured. The requirement is therefore for the S106 to include a process to secure the entering into a S278 prior to the</p>

		<p>S278 works are to be completed (prior to occupation TBC) should also be included in the S106.</p>	<p>implementation of the development and to include timescales for the works to be completed by.</p> <p>Directly related –</p> <p>The requirement to deliver the offsite highway works is directly related to the development as it is the development that requires these works.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>The requirement is fairly and reasonably related in scale and kind to the development as it has been negotiated and secured as necessary works to make the development acceptable and to provide for a sustainable means of access to the site.</p>
CDC and OCC Monitoring Fee	<p>CDC: £1500</p> <p>OCC: TBC</p>		<p>The CDC charge is based upon its recently agreed Fees and Charges Schedule which sets out that for developments of between 1,000-10,000sqm floorspace that a bespoke charge will be based upon the number of obligations and triggers with a minimum charge of £1,000. A registration charge of £500 may also be applicable. As the development has relatively few obligations and triggers for CDC, the minimum charge plus the registration charge is required. The need for a monitoring fee is to ensure that it can appropriately monitor that the development is complying with its S106 including the high standards sought at the site and taking into account the complex nature of the site.</p>

22/02101/OUT

Agenda Item 9

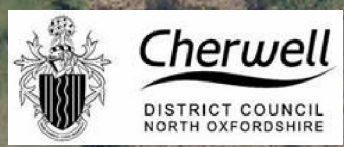
**Land Adjoining Withycombe Farmhouse
Stratford Road A422
Drayton**



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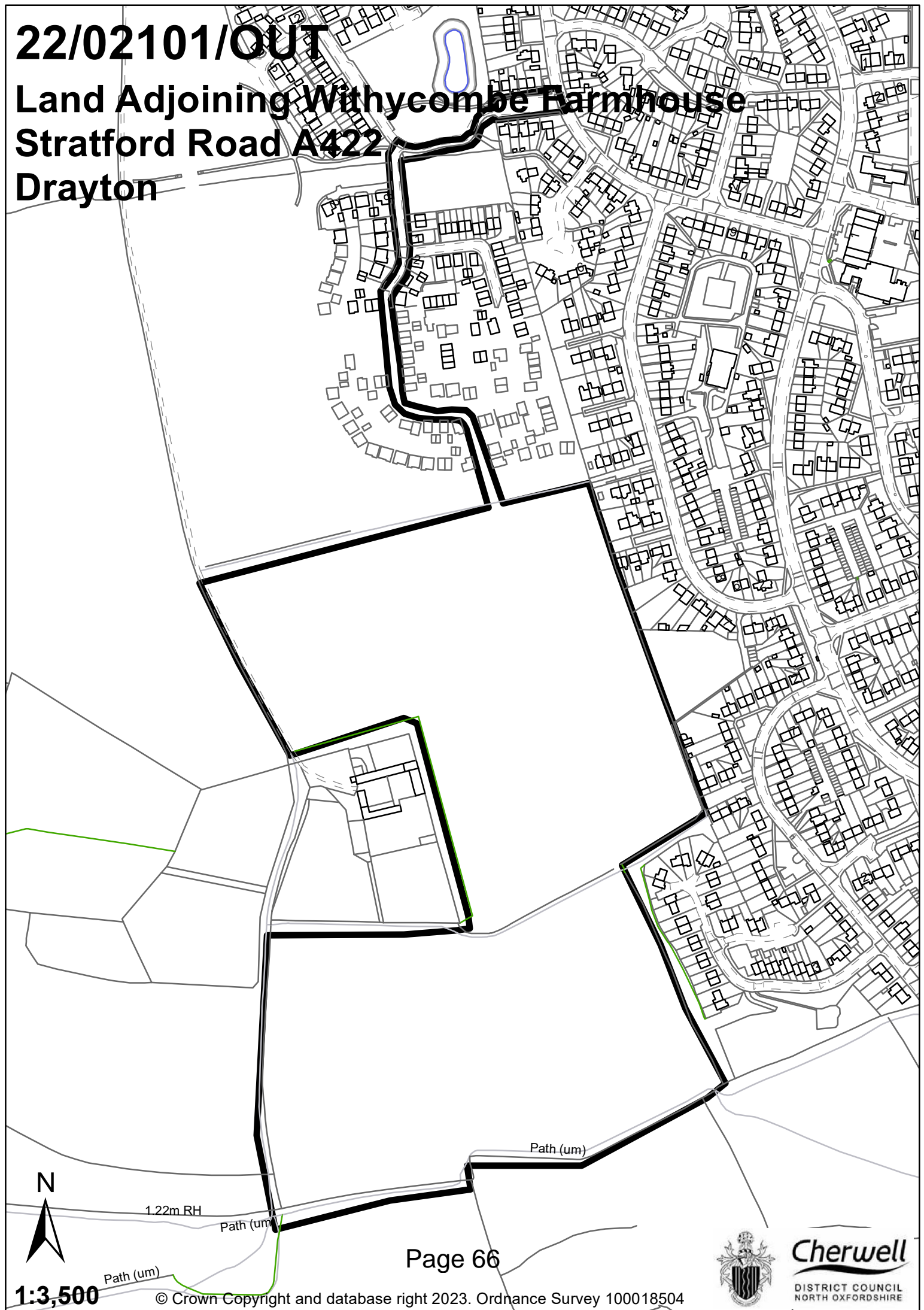
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22/02101/OUT

**Land Adjoining Withycombe Barnhouse
Stratford Road A422
Drayton**



1.22m RH

Path (um)

Path (um)

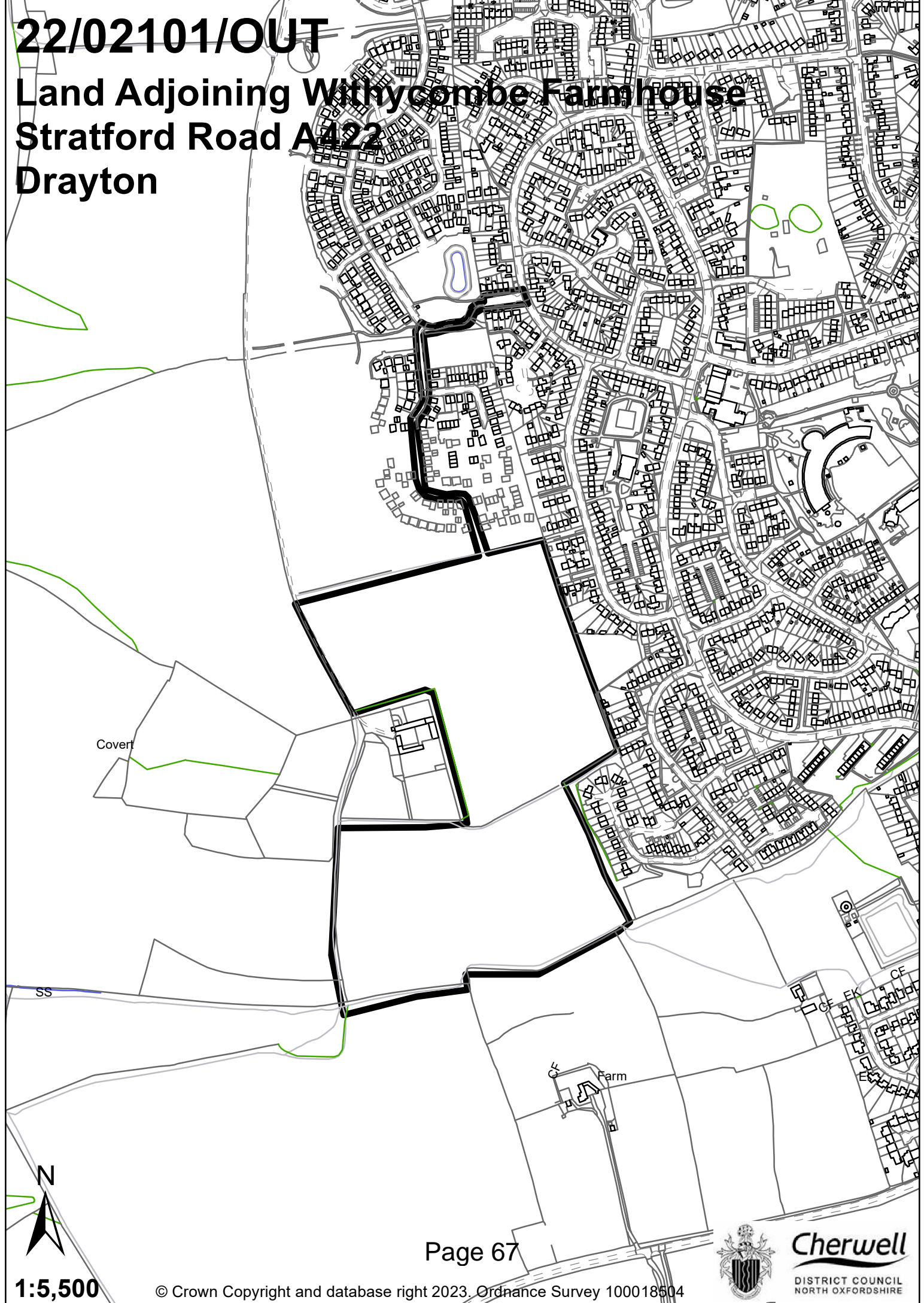
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1:3,500



22/02101/OUT

**Land Adjoining Withycombe Farmhouse
Stratford Road A422
Drayton**



Covert

SS

Farm



1:5,500



Case Officer: Lewis Knox

Applicant: Bloor Homes (Western)

Proposal: Outline planning application for a residential development comprising up to 250 dwellings (with up to 30% affordable housing), public open space, landscaping and associated supporting infrastructure. Means of vehicular access to be determined via Edinburgh Way, with additional pedestrian and cycle connections via Dover Avenue and Balmoral Avenue. Emergency access provision also via Balmoral Avenue. All other matters reserved

Ward: Cropredy, Sibfords & Wroxton, Banbury Ruscote

Councillors: Cllr Chapman, Cllr Reynolds, Cllr Webb, Cllr Cherry, Cllr Watkins, and Cllr Woodcock

Reason for Referral: Major development and significant departure from adopted development plan

Expiry Date: 12 December 2022

Committee Date: 9 February 2023

**SUMMARY OF RECOMMENDATION: THAT POWERS BE DELEGATED TO GRANT
OUTLINE PERMISSION SUBJECT TO CONDITIONS AND S106 LEGAL AGREEMENT**

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises agricultural fields located along the western edge of Banbury. The site is bound to the east by the Bretch Hill residential estate, to the north by the Banbury Rise residential development (Local Plan allocation Banbury 3) with Grade II listed Withycombe Farm to the west. The site benefits from established hedgerows surrounding most of the perimeter of the site, with other mature trees in and around the site. It is located within a plateau on the land before the valley ascends further to the west.

2. CONSTRAINTS

- The application site is within the setting of the Grade II Listed Withycombe Farmhouse
- Several Public Right of Ways surround and dissect the site
- Protected and notable species in the area: Bats, Badgers & Great Crested Newts
- Potentially contaminated land
- Within 2km of a Site of Special Scientific Interest (Not close)
- NERC Act S41 Habitats
- Site of Archaeological Interest

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The application seeks outline planning permission for up to 250 dwellings with associated public open space, landscaping and supporting infrastructure. All matters are reserved except for access. A fuller description comprises:

- The delivery of up to 250 dwellings in total of a range of sizes, types and tenures;
- Provision of 30% affordable housing – mix in line with SHMA requirements;
- Access to be gained through the existing Banbury Rise Development to the north, which leads from Edinburgh Way;
- Secondary cycle and pedestrian routes through to Dover Avenue and Balmoral Avenue;
- Landscape Buffers to west and south of the site protecting rural landscape and Grade II Listed Withycombe Farmhouse.

3.2. *Timescales for Delivery:* The applicant/agent has advised that, in the event that planning permission is granted, they anticipate development commencing by Q4 2023 with the first houses being occupied by Q1 2024.

4. RELEVANT PLANNING HISTORY

4.1. The following planning history is considered relevant to the current proposal:

Application: 13/00444/OUT

OUTLINE – construction of up to 400 residential dwellings including 60 sheltered housing, extra care accommodation, 500sqm of small scale employment and training premises, open space and other infrastructure. Approved.

Permitted 09 March 2016

Application: 16/00576/REM

Reserved Matters application in respect of planning permission reference 13/00444/OUT for the erection of 110 dwellings, associated infrastructure and landscaping - Land at Bretch Hill, Banbury. Approved.

Permitted 25 August 2016

Application: 17/00189/F

Full application for the erection of 319 dwellings, including affordable housing, areas of open space, new vehicular junction onto Bretch Hill and Edinburgh Way and associated infrastructure. Approved along with subsequent variations, NMAs, DISCs and M106 applications.

Permitted 10 November 2017

Application: 20/01643/OUT

Erection of up to 49 dwellings, associated open space and other infrastructure, with all matters reserved except access – Refused but allowed at appeal. (South East of the application site)

Appeal Allowed 01 June 2021

Application: 21/03644/OUT

Erection of up to 49 dwellings, associated open space, sustainable urban drainage systems and access from Balmoral Avenue. Recommended for approval, awaiting imminent completion of S106. (South East of the application site)

Permitted 27 June 2022

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

22/00710/PREAPP

- 5.2. Although not allocated for development in the adopted Development Plan, it was determined that the LPA would be able to support the proposal at the current time given the Authority's housing land supply position (3.5-years) which triggers engagement of NPPF paragraph 11 d) and a presumption in favour of sustainable development. However, should this position change to one where the Authority can provide a sufficient 5-year housing land supply, then we would be unable to support the application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 August 2022**.

- 6.2. 32 representations have been received: 24 objecting, 2 supporting and 6 comments. The comments raised by third parties are summarised below as follows:

- Concerns raised regarding highway capacity and associated safety issues
- Parking issues
- Urban Sprawl
- Lack of infrastructure and facilities
- Renewable energy systems should be included
- Loss of green fields
- Impact on wildlife

- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BANBURY TOWN COUNCIL: **Object** on highway grounds that the existing routes surrounding the site are inadequate to serve this housing development. Proposal should include at least 30% affordable housing provision.

- 7.3. DRAYTON PARISH COUNCIL: **Object** as it is not in accordance with the Local Plan and on a greenfield site, Withycombe Farmhouse will be overwhelmed, local infrastructure will be unable to cope.

CONSULTEES

- 7.4. OCC HIGHWAYS: **No objections** subject to conditions for a Construction Traffic Management Plan, a Residential Travel Plan and Residential Travel Information Pack
- 7.5. OCC LOCAL LEAD FLOOD AUTHORITY: **No Objections**
- 7.6. OCC ARCHAEOLOGY: **No Objections** subject to conditions
- 7.7. OCC WASTE MANAGEMENT: **No objections** subject to contributions.
- 7.8. OCC EDUCATION: No objections subject to contributions
- 7.9. CDC LANDSCAPING: **No objections** subject to conditions and contribution towards an appropriate scheme for off-site provision of a MUGA.
- 7.10. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions.
- 7.11. CDC RECREATION AND LEISURE: **No objections** subject to contributions.
- 7.12. CDC ECOLOGY: **No objections** subject to conditions
- 7.13. CDC CONSERVATION: **No objections** in principle. Accept there would be some 'less than substantial' harm to nearby Grade II Listed Withycombe Farm but its setting and the level of harm caused could be suitably mitigated through design.
- 7.14. CDC BUILDING CONTROL: **No comments** to make at this stage.
- 7.15. THAMES VALLEY POLICE: **No objections** subject to contributions.
- 7.16. THAMES WATER: **No objections** subject to conditions.
- 7.17. BBOWT: **No Objections** subject to conditions
- 7.18. STAGECOACH: **Supports** the application

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution

- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Wellbeing
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems
- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD 15 – The Character of the Built and Historic Environment
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- TR7 – Development attracting traffic on minor roads

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Cherwell Residential Design Guide – July 2018
- Developer Contributions SPD – February 2018
- Banbury Vision and Masterplan – December 2016

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Impact on the character of the area

- Heritage impact
- Site Layout and Design Principles
- Ecology impact
- Highway Safety and Vehicular Access
- Flood Risk and Drainage
- Infrastructure provision and Section 106 contributions

Principle of Development

Policy Context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Also, of a material consideration is the guidance provided in the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England and how this should be applied.
- 9.3. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. Paragraph 10 of the NPPF states that *"so sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development (paragraph 11)"*. Paragraph 11 defines the presumption in favour of sustainable development for decision making as *"c) approving development proposals that accord with up-to-date development plan without delay; or d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless: i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*.
- 9.5. At the time of writing, Cherwell District has a published housing land supply of 3.5 years for the period 2022-2027 (commencing 1 April 2022). However, the recently published agenda papers for the Council's Executive meeting on 6th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply and the tilted balance at NPPF Paragraph 11(d) would not be engaged.
- 9.6. Notwithstanding the Council's housing land supply position, the proposed development does not form part of an allocated site but would represent a natural southern expansion of the Banbury 3 allocation of 400 homes from where it would gain access, would adjoin the west edge of the existing Bretch Hill development and lie immediately north of previously approved western extensions to Bretch Hill for another 98 dwellings. Continued development on allocated sites and non-allocated sites on the edges of Banbury and Bicester will be important to ensure the ongoing delivery of housing to maintain the housing land supply position.

- 9.7. Paragraph 12 advises that *“the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”*.
- 9.8. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes, and paragraph 60 states that *“to support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 9.9. Cherwell Local Plan’s spatial strategy is to focus most growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester with limited growth identified in the rural areas but with land allocated at former RAF Upper Heyford. Policy BSC1 identifies the district wide housing distribution with Banbury identified to accommodate just over 7,300 new homes during the Plan period. Policy ESD1 also identifies that this spatial strategy (in distributing growth to the most sustainable locations as defined by the Plan) is a key part of the measures that will be taken to mitigate the impact of development within the District on climate change. There are 19 strategic allocation sites at Banbury, most for mixed use, residential led development, some for wholly commercial development and some relating to the town centre.
- 9.10. Paragraph 74 highlights the need for Local Planning Authorities (‘LPAs’) to *“identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer (moved forward from later in the plan period)”*. Paragraph 75 continues by stating that *“a five year supply of deliverable housing sites, with the appropriate buffer, can be demonstrated where it has been established in a recently adopted plan, or in a subsequent annual position statement which:*
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and*
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process”*.

Development Plan

- 9.11. The Development Plan in Cherwell relevant to this proposal comprises the saved policies of the 1996 adopted Cherwell Local Plan (CLP 1996) and the 2015 adopted Cherwell Local Plan (CLP 2015). The policies important for determining this application are referenced above.
- 9.12. Policy PSD1 of the CLP 2031 Part 1 accords with the NPPFs requirements for sustainable development and that planning applications that accord with policies in the statutory Development Plan will be approved without delay.
- 9.13. The CLP 2015 seeks to allocate sufficient land to meet District Wide Housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury as sustainable locations within the District. Policy ESD1 identifies that distributing growth to the most sustainable locations as defined in the Local Plan is

part of the measures that will be taken to mitigate the impact of development within the District on climate change.

Assessment

- 9.14. The site is not an allocated housing site within the CLP 2015 however, it is well related to such allocations and other consents. As referenced at paragraph 9.5 above, the recently published agenda papers for the Council's Executive on the 6th February 2023 relating to the Council's Annual Monitoring Report and Housing Land Supply Statement sets out that the Council would have a 5.4-year housing land supply (excluding the partial review area) for the period 2022-2027 (commencing 1 April 2022) calculated in accordance with the Standard Method. Should this be approved by the Executive, then the Council would be able to demonstrate a five-year housing land supply. Nevertheless, the District's spatial strategy is to focus most of the growth in the District towards locations within or immediately adjoining the main towns of Banbury and Bicester, which this proposal would be. It would represent a natural continuum.
- 9.15. The starting point for considering this proposal is the presumption in favour of sustainable development and consideration must be had to the impacts arising from development. The application site is situated on the western edge of Banbury, a major town within the District and its most sustainable settlement. Policy BSC1 seeks to focus new residential development at Bicester and Banbury on strategic site allocations. This is due to the sustainable nature of these towns. This site lies to immediately the south of the Banbury 3 allocation on the western edge of Banbury, adjacent to the existing residential area of Bretch Hill. Banbury 3 was allocated for around 400 homes, and many of the houses have been completed or are under construction. Another site that was allowed on appeal is located just to the southeast of the site, on the plateau of Bretch Hill.
- 9.16. The application site is situated within a sustainable location, on the edge of Banbury. The following section provides an assessment of the development on the Grade II Listed Withycombe Farmhouse. Although it is noted that whilst there may be some limited 'less than substantial' harm arising to the setting of the Listed Building, given the housing land supply position of the Authority and that residential development would be a substantial benefit, the harm arising to the setting of the Listed Building would be outweighed by the benefits of providing new residential properties.

Conclusion

- 9.17. Overall, whilst consideration of the matters detailed in the sections below is required to reach an overall conclusion on the overall acceptability of the development, the broad principle of this scale of growth on the edge of Banbury at this location is considered to be acceptable and represents sustainable development.
- 9.18. The meeting of the Executive takes place on the 6th February 2023, confirmation of the decision on the housing land supply figure or should there be confirmation of the decision on the housing land supply figure as a result of the decisions made at that meeting, will be contained in the written update to planning committee.

Impact on the character of the area

Legislative and policy context

- 9.19. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better

places in which to live and work and helps make development acceptable to communities.

9.20. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change;
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- Optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks;
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

9.21. Policy ESD15 of the adopted CLP Part 1 reflects such guidance and states that “new development proposals should:

- Contribute positively to an area’s character and identity by creating or reinforcing distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views; and
- Respect the traditional pattern, routes, spaces, blocks, enclosures and (inter alia) create clearly defined active public frontages.”

9.22. Policy ESD13 of the CLP Part 1 states that: “Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:

- Cause undue visual intrusion into the open countryside;
- Cause undue harm to important natural landscape features and topography;
- Be inconsistent with local character;
- Harm the setting of settlements, buildings, structures, or other landmark features;
- Harm the historic value of the landscape.”

9.23. Saved Policy C28 of the CLP 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

9.24. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development. In addition, policies ESD1-5 of the adopted CLP 2015 seek to mitigate and adapt to climate change.

Assessment

- 9.25. The application site is located on the western edge of Banbury adjacent to Bretch Hill and to the south of the Banbury 3 residential development site. The site forms part of a parcel of land which was assessed in the Housing and Economic Land Availability Assessment (HELAA), February 2018. In relation to site HELAA027 the document states: *'Greenfield site outside the built-up limits. The West of Bretch Hill strategic allocation (Banbury 3) of the adopted Local Plan Part 1 lies to the north of the site which allocates land for 400 dwellings. This has already received planning permission. The site is considered to be unsuitable for development given the impact of development upon the character and setting of the Grade 2 listed Withycombe Farm, and the high landscape value and visual sensitivity of the site. With regard to assisting Oxford with its unmet housing need, Banbury lies outside Areas of Search A and B.'*
- 9.26. The application has been submitted with a Landscape and Visual Appraisal that considers the visual impact of the proposal on the wider rural landscape in detail. It reaches a conclusion that the site is considered relatively well contained in visual terms. It acknowledges that due to its siting on a plateau with mature woodland blocks and plantations on the upper slopes of the valley just west of the site, a degree of enclosure along the edge of the plateau is created and divides views out west from the western edge of the site, reinforcing the distinct change in character between the plateau and the valley to the west. Further to this, it is considered that development would sit within the context of the immediate and wider developed context of the settlement of Banbury with Bretch Hill to the east and the Banbury 3 development to the north. Overall, the report considers the site's immediate and localised environment has capacity in visual terms to integrate a sensitive, high quality residential proposal.
- 9.27. Due to the size and location of the proposed site, Officers agree with the assessment set out in the Landscape and Visual Appraisal. Although there would be some wider views and therefore some visual harm, the proposal would sit within the context of existing developments surrounding the site. Furthermore, any limited harm must be assessed against the considerable weight afforded to the 'tilted balance' set out in paragraph 11 d) of the NPPF. In this instance, the limited harm would not 'significantly and demonstrably outweigh the benefits' of the proposal in terms of the presumption in favour of residential development afforded to sustainable locations.
- 9.28. The indicative site layout plans provided with this submission indicate how the proposed homes could be accommodated whilst maintaining substantive landscape buffers to the north and the south of Withycombe Farm, which would not only protect its heritage setting but also provide a buffer to the open countryside to the east of the site. This would serve to reduce the appearance of any harmful sprawl, allowing the site to relate to the existing neighbouring development within Banbury rather than with the countryside outside of the built limits of the town.
- 9.29. The noted impact on the setting of the Grade II Listed Withycombe Farm is explored further in the following section.

Conclusion

- 9.30. Officers generally agree with the conclusions of the comprehensive Landscape and Visual Appraisal provided in this submission. It is concluded that the proposed scheme would provide a high quality landscape setting, which would be in keeping with local character and the immediate locality and would minimise landscape impacts from the built form of the development by ensuring that any built development was positioned within the eastern portion of the application plot away from the visually sensitive western and southern edges of the plateau.

Heritage Impact

Legislative and policy context

- 9.31. The site affects the setting of the Grade II Listed Withycombe Farmhouse to the west of the site.
- 9.32. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development within or affecting the setting of a conservation areas that: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.33. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.34. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.

Assessment

- 9.15. Officers consider that the proposal is likely to have a less than substantial impact upon the wider setting of Grade II Listed Withycombe Farmhouse but little if any impact on the setting of nearby Wroxton Abbey registered park and garden.
- 9.16. The development would sit to the south of the recent Banbury 3 development on the edge of the town and would occupy part of the open space between the current edge of the town and Withycombe Farmhouse, which is a grade II Listed Building. Due to the location of the site, it is inevitable that development would alter the setting of the listed building.
- 9.17. The farmhouse and its associated buildings currently sit in a mostly agricultural setting and a residential development here would change this, particularly on the eastern side. It is accepted that due to the development that has already taken place and that which has consent surrounding the site, that the setting of the listed building has already been compromised to some extent. However, it is still considered that the proposal would result in some additional harm to the listed building through development within its setting, albeit at the lower end of the scale of impact and the NPPF requires that this harm is afforded great weight against any benefit(s).
- 9.18. Because of the location and the development taking place to the north of the site the proposal is not considered to have the same level of impact on the setting of the registered park, Wroxton Abbey or Wroxton's Conservation area. The intervening development renders no inter-visibility between the sites. Therefore, the development is not considered to result in any harm to the significance of those heritage assets.
- 9.19. Whilst there remain some concerns over the setting of Withycombe Farmhouse, it is considered that the extent of harm could be mitigated through the layout of development and maintaining a wide landscape buffer and screening between the built form of the residential development and the listed building adjacent.

- 9.20. As the application seeks outline consent for development with only access to be agreed, the final layout of any development on the site would be the subject of a reserved matters application. The illustrative plans provided with the application demonstrate how the proposed scale of development could be accommodated and accessed whilst maintaining a large area of open land between proposed houses and Withycombe Farm, with larger open spaces to the north and south. Such design and layout objectives are welcomed and would help to mitigate the heritage impacts of the scheme. The main built form of the development could largely be kept to the eastern side of the application plot and would further reduce potential impacts.

Conclusion

- 9.21. Overall, it is considered that there would be less than substantial harm caused to the Grade II Listed Withycombe Farmhouse and its setting. There are public benefits arising from the proposal due to the provision of much needed additional residential homes within the district, including affordable homes. It is also considered that the harm caused to the setting of the heritage asset could be appropriately mitigated through well thought out design, landscaping, buffering and screening at reserved matters stage. Although great weight must be afforded to the resultant less than substantial harm to heritage assets, the scale of harmful impact would not demonstrably and significantly outweigh the balance of presumptive benefit of providing open market and affordable housing on the edge of the District's most sustainable settlement.

Site layout and design principles

Policy Context

- 9.22. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is fundamental to what the planning and development process should achieve.
- 9.23. Policy BSC10 of the CLP Part 1 2031 outlines the requirements for open space, outdoor sport and recreation provision. Policy BSC11 sets out the local standards of provision for outdoor recreation including children's play space.

Assessment

- 9.24. The application is submitted in outline with a site plan submitted for illustrative purposes. Whilst design and materials would be assessed under a reserved matters application it is considered that, given the location of the site on the edge of the town and adjacent to existing residential areas, appropriate levels of control should be secured at any such detailed application stage, to ensure compliance with design principles reflective of those within the local area and wider district.
- 9.25. The development would result in a density of approximately 35dph on average which would comply with Policy BSC2 which seeks a density of at least 30dph to make effective and efficient use of land and would appear to be a similar density to surrounding development.
- 9.26. The indicative landscaping, with a green buffer along the eastern edge allowing for a transition to the rural landscape is considered acceptable in principle.
- 9.27. The design principle for the layout, form and design of residential properties would need to follow the principles set out by the Banbury 3 site which is to the north which

should give a coherent flow between the sites and help integrate the new site into the existing surroundings. Given this it is considered that a design code should be conditioned for the development to ensure a continuation of the character which has emerged in the development to the north

- 9.28. That said, whilst every application needs to be assessed on its own planning merits at the time of any such application, Officers are confident of the level of control that could be safeguarded through ensuring broad compliance with any approved plans secured by way of appropriate condition attached to any such permission.

Conclusion

- 9.29. It is concluded that the submitted indicative layout demonstrates general acceptability and demonstrates that 250 dwellings could be satisfactorily accommodated on this site whilst allowing for the provision of a well-designed, safe, accessible and well-connected environment, with an appropriate tenure mix. The development has limited visual harm being sited adjacent to built form, well contained by existing hedgerows, and a green buffer along the eastern edge allowing for a transition to the rural landscape.
- 9.30. As such, the proposal is deemed in accordance with Policy ESD15.

Ecology Impact

Legislative context

- 9.35. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.36. Under the Regulations, competent authorities i.e., any Minister, Government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats and Wild Birds Directives.
- 9.37. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation would not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.38. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?

(2) That there is no satisfactory alternative;

(3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.39. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipelines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.40. Paragraph 170 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.41. Paragraph 175 states inter alia that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; and d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.42. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.43. Policy ESD10 of the CLP Part 1 2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.44. Plan policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

9.45. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

9.46. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although it remains extant. The PPG states that LPAs should only require ecological

surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.47. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development.

It also states that LPA's can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all;
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey').

9.48. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site contains several mature trees and hedgerows and therefore has the potential to be suitable habitat for bats and breeding birds, as well as badgers and some concerns over great crested newts have also been expressed by the Council's ecologist and newt officer.

9.49. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, they must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

9.50. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/very likely that Natural England would not grant a licence then the Council should refuse planning permission; or if it is likely or unclear whether Natural England would grant the licence then the Council may grant planning permission.

9.51. The ecological assessment submitted is considered by the Council's Ecologist to be generally acceptable. However, it is noted that there is no assessment of impact on farmland birds and this needs to be considered. Along with adjacent developments, significant areas of farmland bird habitat (and similarly brown hare) are being affected and it should be considered how this could be mitigated for and a scheme put forward. This could be appropriately overcome through the submission of a further mitigation scheme being submitted as a requirement of an appropriately worded condition.

9.52. No breeding habitats used by Great Crested Newts are to be affected by the proposed scheme and most of the site looks unsuitable as terrestrial habitat. Nevertheless, it is considered by CDC's Ecologist and the Newt Officer that some additional information is required via condition. A justification for scoping them out of the assessment (or any other priority amphibians which could use hedgerows and margins) and an outline of how Great Crested Newts would be dealt with if found on site and that additional avoidance measures should be included can be controlled via a CEMP condition.

- 9.53. The proposals as they stand have the potential to give an acceptable level of biodiversity net gain on site. BBOWT and the Council's Ecologist note that none of the habitats proposed to be created yet contain management and establishment information making the metric an estimate at this point. However, further details will be required through a reserved matters application, when full details would be provided.
- 9.54. A Biodiversity Net Gain metric spreadsheet has been provided at Appendix 6 of the applicant's Ecological Assessment (EA) to illustrate the potential net gain resulting from this application. This is an increase in habitat units from 27.51 units to 38.89 units (which equates to a 41.37% increase) and an increase in hedgerow units from 12.31 units to 18.49 units (which equates to a 50.23% increase). These figures would be well in excess of the 10% net gain required through Policy ESD10 of the CLP 2031.
- 9.55. Both CDC Ecology Officers and BBOWT are satisfied that the projected 20% biodiversity net gain within the application site and as such there would not be any need for any off site provision.
- 9.56. Whilst the metrics provided show that there is sufficient capacity within the development site to achieve the biodiversity net gain as required, it is considered that further details will be required through a reserved matters application which would give detail on how the habitats will be created and managed so that they are achievable within the 5 year timescale as indicated and that they will be appropriately maintained thereafter.
- 9.57. It should be noted that there are aspects of the proposed habitats to be created where they would struggle to reach the habitat conditions claimed within the timescales stated - particularly where it can be expected that there would be significant recreational pressure from residents in this development and beyond. There is usually conflict between achievement of a good or moderate condition habitat and areas doubling for both amenity and biodiversity. These would need to be fully accounted for within a management plan and areas specifically for biodiversity should be designed into the detailed landscaping. Ideally, we would have some of this information up front to show how the large areas of grassland proposed would be able to be managed to these conditions and whether there are any areas which ought to be closed from public access or deemed to be specifically reserved for nature. This would help to assess whether the net gain levels proposed were achievable.
- 9.58. However, this is only an outline application and your Planning Officers are satisfied, on the basis of the advice from the Council's Ecologist and subject to conditions, that the welfare of any European Protected Species potentially found to be present at the site and surrounding land would continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been appropriately met and discharged.
- 9.59. Officers are also satisfied that the Ecological Assessment as provided does demonstrate that a biodiversity net gain in excess of 10% potentially exceeding 20% can be achieved through the development but further details of how this will be achieved should be required via an appropriately worded condition.

Highway Safety and Vehicular Access

Policy Context

- 9.60. The NPPF (Para.105) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport.

However, it notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.

- 9.61. The NPPF (Para.106) advises that in assessing specific applications for development, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; and c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.62. Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: “New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”; whilst Policy SLE4 states that: “All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”
- 9.63. Policy TR7 states that: ‘Development that would regularly attract large commercial vehicles or large numbers of cars onto unsuitable minor roads will not normally be permitted.’

Assessment

- 9.64. The development proposes a main vehicular access to the site through the Banbury Rise development to the north, which itself gains access from Edinburgh Way to the east of that site. Secondary pedestrian, cycle and emergency accesses are also proposed from Dover Avenue and Balmoral Avenue to ensure further sustainable access to the site from the established residential areas to the east of the development.
- 9.65. The site is accessed through the consented Banbury Rise development (planning application ref: 13/00444/OUT) via two primary vehicular accesses; Bailey Road to the immediate north from the site and George Parish Road being the northern most access. George Parish Road in turn leads onto Bretch Hill while Bailey Road joins the highway at Edinburgh Way. Although the Highway Authority (HA) has technically approved for construction, the Banbury Rise internal roads including Bailey Road and George Parish Road, these may not yet be adopted highway.
- 9.66. Concerns were initially raised by the HA regarding the adequacy of those means of vehicular access, and questioned whether a road that was initially approved and constructed to serve 137 properties would be sufficient to serve the needs of an additional 250 dwellings to the south; i.e., 387 properties in total.
- 9.67. It was suggested that additional traffic calming along the roads leading into the development would be required to ensure safe passage for vehicles and to ensure that refuse and emergency vehicles were not impeded by on street parking which is evident within the existing Banbury Rise development. Clarification on the methodology that was originally used in the Transport Assessment when calculating vehicle flow numbers also needed clarifying.
- 9.68. The applicants subsequently provided Technical Notes TN1 and TN3 to clarify the methodology on the basis of the information provided in these notes, Oxfordshire

County Council Highways found the modelling acceptable in terms of committed trips and as such removed their initial holding objection to this element.

- 9.69. The original modelling carried out in the TA excluded the potential use of George Parish Road as an access. For robustness, it was considered that both the George Parish Road and Bailey Road should be modelled as access points with varying levels of development trips loaded onto them. As such, TN3 has undertaken this task in accordance with flows from a recent survey together with a 90/10 split between the two access points for robustness.
- 9.70. The outputs from the junction capacity model gave the confidence that should the eventuality arise that one access became unusable; the other access had been means-tested to bear the majority of the entire development traffic. It was therefore considered that the existing vehicular access points had sufficient resilience to safely accommodate the additional development trips. Given this modelling and assessment the LHA raised no objections to this means of access to the development site.
- 9.71. The Local Highway Authority (LHA) advises that the proposed vehicular access is acceptable based on the information submitted. In terms of traffic impact, the overall conclusions of the Transport Statement are accepted. The LHA is content with the methodology used to generate the final trip generation figures and the junction is considered to have suitable capacity.
- 9.72. The NPPF (Para.111) states that: *'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe'*.
- 9.73. The LHA raises no objection to the application on the basis of highway safety.
- 9.74. The LHA has requested financial contributions towards enhancement of public transport services, public transport infrastructure, travel plan monitoring and public rights of way. The details of the requested contributions are set out in full in a later section of this report.
- 9.75. *Construction Access* - The applicant has stated their intention to use a dedicated construction access immediately to the west of the site. This is the existing arrangement for construction vehicles accessing the Banbury Rise development. This arrangement is welcomed and should reduce disruption to the local highway network caused by construction vehicles. Further details would need to be availed in the CTMP, as required via condition.
- 9.76. *Sustainable Transport Connectivity* - With vehicular access proposed through Banbury Rise and onto Bretch Hill and Edinburgh Way to the east it is essential that the cumulative effect of the two developments (Banbury Rise and this development) on the local road network and on pedestrian and cycle movements is not overlooked. Improved pedestrian and cycle access will be vital to improving the accessibility of the site as a whole.
- 9.77. Traffic from the site would distribute eastwards onto/ along Bretch Hill towards key corridors and junctions such as the Stratford Road/ Warwick Road junction, the Woodgreen Avenue/ The Fairway/ Orchard Way junction or the Woodgreen Avenue/ Broughton Road/ Queensway junction. These junctions are currently shown to be over capacity by the end of the plan period. The Banbury Area Transport Strategy in Oxfordshire's Local Transport Plan outlines proposed improvements to these parts of the town's network under Policy BAN 1. Whilst the severe impact here cannot be solely attributed to this development, a strategic contribution is nevertheless required to mitigate the cumulative impact of planned growth.

- 9.78. There are formative plans for works to Bretch Hill to improve traffic calming and bus service reliability. The removal of the chicanes would enhance the effectiveness of the existing bus service and improve its ability to serve the proposed development.
- 9.79. The emerging Banbury LCWIP (Local Cycling & Walking Infrastructure Plan) has identified Footpath 120/24 to the north of the site as a potential route linking the villages to the west of Banbury to the town. It will also be key for cycle facilities along Broughton Road itself to be improved to encourage more sustainable means of transport for residents of villages to the southwest and from this development.
- 9.80. Footpath 120/24 is also a key pedestrian route to Bretch Hill, where the nearest bus stops are located. As the footpath could provide a good option for east-west connectivity and provide easy access to the bus stops on Bretch Hill, it is imperative that it be improved. The proposals demonstrate a footpath linking the development and Footpath 120/24 together, so improvements to it would be a common-sense approach to providing an effective east-west connection to the wider Banbury area.
- 9.81. OCC have requested a contribution for upgraded pedestrian and cycleways in line with the emerging Banbury LCWIP. A key route has been identified which will pass along the site and a contribution would be used towards the construction of this route. Any new pedestrian and cycleways would be built to LTN 1/20 standards. The contributions would be calculated based on amounts secured from similar sites for comparable schemes.
- 9.82. *Public transport* - The County will require a public transport contribution at its standard rate indexed from 2020. This would contribute to the enhancement of the B5 bus service. This contribution rate has been updated since but is otherwise commensurate with that contribution. The TA has correctly identified that the nearest bus stop is about 210m away. Service provision at the nearest stop requires improvement and the contribution would go towards enhancing route B5 which serves these stops.
- 9.83. The contribution would also potentially extend the B5 service (or similar) to employment areas in the east of Banbury. The contribution is in keeping with OCC's aims to make bus travel a more attractive and relevant choice for Banbury residents. The contribution would allow the applicant to rely on bus travel mode share within their Travel Plan and Transport Assessment assumptions.
- 9.84. *Site Layout* - As this is an 'Outline' application the internal layout of this site would therefore be finalised at a detailed design stage. The layout plans shall be required to demonstrate the ability of refuse vehicles and cars to manoeuvre within the site and back onto the highway in a forward gear particularly utilising turning heads.
- 9.85. It is expected that future details on any 'Reserved Matters' or 'Full' application would show a comprehensive pedestrian network throughout the site with footways provided on both sides of the carriageway.
- 9.86. *Rights of Way* - OCC will request a contribution for improvement works to the PRow network surrounding the site. Namely, public footpaths 120/810, 191/8/10, 19/8/20, 191/9/10, 120/24/10, 315/1/20, 191/11/10, 315/2/10, 315/2/20, and bridleways 191/4/10 and 191/12/10. This contribution is required to allow the Countryside Access Team to plan and deliver improvements with third party landowners prior to the occupation of the development under the aims of the Rights of Way Management Plan.
- 9.87. The contribution would be spent on improvements to the above routes which border the site on all sides. The routes are within the likely "impact area" of roughly 3 km from the site and connect the development to neighbouring settlements and the

surrounding countryside. The improvements would mostly take the form of improved surfacing, and new or replacement structures such as gates, bridges, seating, sub-surfacing, and drainage. This is necessary as usage of these routes would significantly increase should a full application be approved.

Conclusion

- 9.88. In light of the LHA's advice, and subject to conditions and S106 contributions, it is concluded that the proposal would not have a significant adverse impact upon the safe and efficient operation of the highway network, and therefore complies with Local Plan Policies ESD15 and SLE4 in this regard and Government guidance within the NPPF.

Flood risk and drainage

- 9.89. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.90. Policy ESD7 of the CLP 2015 requires the use of Sustainable urban Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.
- 9.91. The application was supported by a Flood Risk Assessment. Whilst there were initial objections from the Lead Local Flood Authority (OCC), they related to the submission of a phasing plan and an explanation of how the site would adequately consider flood risk at all stages of the development.
- 9.92. The requested information was subsequently supplied by the applicants and the Lead Local Flood Authority were satisfied by the phasing details and how potential flooding would be considered throughout development and as such the objection was removed.
- 9.93. Officers consider that the current proposals are acceptable in terms of flood-risk and drainage, in accord with local and national planning policy in this regard.

Infrastructure provision and Section 106 contributions

Policy Context

- 9.94. Policy INF1 of the CLP 2015 states that: "*Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*"
- 9.95. Policy BSC11 of the CLP 2015 states that: "*Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.*" Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.96. The Developer Contributions Supplementary Planning Document (SPD February 2018) sets out its position in respect of requiring financial and on-site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

9.97. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e., legal agreement) they must meet statutory tests set out in Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

9.98. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that LPAs do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.99. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in Officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council (all contributions will be index linked)

- Community Hall Facilities - £285,827.12, Improvement of facilities at The Hill
- Outdoor Sport Provision - £504,257.50, Off site contribution for enhancement of facilities at North Oxfordshire Academy Community Use site
- Indoor Sport Provision - £208,736.70, contribution towards Banbury Indoor Tennis Centre and/or other indoor sports provision in Banbury
- Public Art/Public Realm - £56,000, contribution towards the provision of public art in the vicinity of the development
- Community Development Worker - £16,938.68, contribution towards employment of a community development worker to work to integrate residents into the community and wider area
- Community Development Fund - £11,250, contribution towards community development work which will include initiatives to support groups for residents of the development
- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long-term management provisions in accordance with the Policy BSC11 of the CLP.

Oxfordshire County Council (all contributions will be index linked)

- Public Transport Services - £262,750, this is to increase bus services serving the development site and potentially extend the service to employment areas in the east of Banbury
- Highway Works - £224,358.97, this is for the upgrading of local pedestrian and cycle ways in accordance with the emerging Banbury LCWIP
- Public Rights of Way - £60,000, This would be for access mitigation measures on the footpaths in proximity of the site, monies would fund surface improvement, signing and furniture along routes
- Travel Plan Monitoring - £1558, to enable the travel plan to be monitored for a period of five years
- Secondary Education - £1,994,220, for secondary education capacity serving the development
- Secondary Land Contribution - £199.980, for secondary school land contribution serving the development
- Special Education - £134,611, Special school education capacity serving the development
- Household Waste Recycling Centres - £23,490, Expansion and efficiency of household waste recycling centres.

Thames Valley Police (index linked)

- Policing - £44,482.20, contribution will mitigate against the additional impacts of this development because existing infrastructures do not have the capacity to meet these.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short to medium term due to the size and duration of the project. The proposals will create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the size of the development these provide positive weight.

Social

10.3. The proposal would provide 75 affordable homes which is a matter that carries substantial weight in favour of the proposal. Significant weight is to be afforded to the social benefits of the proposed housing.

- 10.4. The proposals would also provide significant social benefit from on site recreation and play facilities which would be at the level expected by policy, as well as open space. The provision of this would also be of community benefit to existing residents.
- 10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.6. The scheme would provide a high quality landscape setting, which would be in keeping with local character and the immediate locality and would minimise landscape impacts from the built form of the development by ensuring that any built development was positioned within the eastern portion of the application plot away from the visually sensitive western and southern edges of the plateau.
- 10.7. The sustainable location of the settlement next to the existing town and existing facilities is a material consideration which weighs in favour of the proposal.
- 10.8. The proposals commit to the provision of a sustainable construction methods and should be given positive weight.

Negative impacts

- 10.9. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.10. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 10.11. The proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.12. it is considered that there would be less than substantial harm caused to the Grade II Listed Withycombe Farmhouse and its setting but this harm can be appropriately mitigated through well thought out design, landscaping, buffering and screening.

Conclusion

- 10.13. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. Given that proposal is beyond the built up limits of Banbury and in open countryside, this conflicts with policies within the development plan. The proposal therefore needs to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.14. In this case, the proposal seeks permission for 250 houses on the edge of Banbury on a site unallocated in the adopted CLP 2015. Whilst the Council may be able to demonstrate a five year housing land supply, this is not a cap on development and the supply is 5.4, an exceedance of just 0.4 of a year. Banbury is an accessible

location for the amount of development proposed and development here would accord with the strategy of the Local Plan as a whole in seeking to direct residential development to the most sustainable settlements in the District.

- 10.15. On the basis of the scale of the proposal and the site's sustainable location and the site specific circumstances and benefits of this site the proposal is not considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan or the Framework as a whole, the proposed development is considered to represent sustainable development. In addition, the planning benefits of the proposal would not be outweighed by the limited harm identified and planning permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT AGREED/COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

CONDITIONS

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents:
 - WE080-PD-039G, 3877 Sheets 1-2;
 - P20-1853_04 Rev C;
 - P20-1853_02 Rev H;
 - 10511-FPCR-XX-XX-DR-L-0001 Issue D;
 - 06104-SK-001-P0;
 - 06104-SK-002-P0;
 - 06104-SK-003-P0.

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods. Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details.
 - The CTMP must be appropriately titled, include the site and planning permission number.
 - Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
 - Details of and approval of any road closures needed during construction.
 - Details of and approval of any traffic management needed during construction.
 - Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle

- tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- Contact details of the Project Manager and Site Supervisor responsible for onsite works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will be parked, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

7. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for written approval. Thereafter, the approved Residential Travel Plan shall be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

8. Prior to commencement of any development a Construction Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The approved document shall include the following:

- a) the parking of vehicles of site operatives and visitors;
- b) loading and unloading of plant and materials;
- c) storage of plant and materials used in constructing the development;
- d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- e) wheel washing facilities;
- f) measures to control the emission of dust and dirt during construction;
- g) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- h) measures for the protection of the natural environment;
- i) hours of construction, including deliveries;
- j) the temporary site compound including temporary structures

- k) the location and noise levels of any temporary generators or other fixed mechanical plant.
- l) details of external lighting and proposed operation times.
- m) contact details for the site manager or other persons associated with the management of operations on the site.

Thereafter the development shall be carried out only in accordance with approved CEMP.

Reason: To ensure the environment is protected during construction in accordance with Policy ENV1 of the Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

9. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

12. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan Part 1.

13. No development shall be occupied until confirmation has been provided that either:-

1. Foul water Capacity exists off site to serve the development, or
2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan, or
3. All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

14. There shall be no occupation beyond the 49th dwelling until confirmation has been provided that either:-

all water network upgrades required to accommodate the additional demand to serve the development have been completed; or-

a development and infrastructure phasing plan has been agreed with Thames Water to allow additional development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation of those additional dwellings shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to low / no water pressures and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development. Any necessary reinforcement works will be necessary in order to avoid low / no water pressure issues.

15. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with the NPPF (2021).

16. Following the approval of the Written Scheme of Investigation referred to in condition 15, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a programme of archaeological mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the

Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2021).

17. No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles including an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:
- a. Discharge Rates;
 - b. Discharge Volumes;
 - c. SUDS (Permeable Paving, Soakaway Tanks);
 - d. Maintenance and management of SUDS features (to include provision of a SUDS Management and Maintenance Plan);
 - e. Infiltration in accordance with BRE365;
 - f. Detailed drainage layout with pipe numbers;
 - g. Network drainage calculations;
 - h. Phasing;
 - i. Flood Flow Routing in exceedance conditions (to include provision of a flood exceedance route plan).

Development shall be carried out in accordance with the approved surface water drainage scheme.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

18. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres per person per day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.

Reason - To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policy ENV12 of the Cherwell Local Plan 1996

and Government guidance contained within the National Planning Policy Framework.

20. All site clearance (including vegetation removal) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless, in the case of a tree that is required to be removed for health and safety reasons, the Local Planning Authority has confirmed in writing that such works can proceed.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

21. Prior to the commencement of the development hereby approved, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing built environment and to comply with Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

22. Prior to the commencement of development hereby approved, a phasing plan covering the entire application site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved phasing plan and each reserved matters application shall only be submitted in accordance with the terms of the approved phasing plan and refer to the phase (or phases) it relates to as set out in the approved phasing plan.

Reason: To ensure the proper phased implementation of the development and associated infrastructure in accordance with Government guidance contained within the National Planning Policy Framework.

23. Prior to the commencement of the development hereby approved, including any demolition, and any works of site clearance, a method statement which ensures a minimum of 20% biodiversity net gain within the development site shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No reserved matters applications shall be made or development commenced until a Design Code for the site has been produced in accordance with Condition 25 and following consultation with the Local Planning Authority and other

stakeholders, and has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved Design Code.

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

25. The Design Code shall include,
- a. the character, mix of uses and density of each character area identified, to include the layout of blocks and the structure of public spaces
 - b. the character and treatment of the structure planting to the development areas
 - c. guidance of surface water control including design standards and methodology for sustainable drainage systems, detail of specific features and constraints, including appropriate options for SUDs features, considerations for implementing during construction, and adoption requirements
 - d. the building height, scale, form, design features and means of enclosure that will form the basis of the character of each phase, sub-phase or parcel
 - e. the street form and hierarchy and the features that will be used to restrict traffic speeds and create legibility and requirements for street furniture
 - f. the approach to car parking and cycle parking within the phases, sub-phases and parcels and the level of car and cycle parking within each phase to be provided to serve the proposed uses
 - g. the materials to be used within each character area
 - h. the treatment of any hedge or footpath corridors and retained trees and woodlands and local areas of play within each phase, sub phase or parcel
 - i. the measures to be incorporated to protect the amenities of the occupiers of existing properties adjacent to the site measures to be incorporated into the development to ensure all properties have convenient locations for individual waste and recycling bins
 - k. lighting proposals

Reason - A Design Code, is required at the beginning of the development process to ensure that the subsequent reserved matters applications are considered and determined by the Local Planning Authority in the context of an overall approach for the site consistent with the requirements to achieve high quality design as set out in the Environmental Statement and the Adopted Cherwell Local Plan 2011-2031 and Government Advice within the National Planning Policy Framework.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning Obligation (based upon 250 dwellings)	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked and subject to unit numbers)	Trigger points as proposed in the Draft Section 106 agreement – these trigger points are subject to change.	
Community Development Fund Contribution	£45 per dwelling £45 x 250 dwellings = £11,250	Prior to occupation of 50 th dwelling	Necessary - TBC Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Community Development Worker Contribution	£16,938.68	Prior to occupation of 50 th dwelling	Necessary - TBC Directly related – TBC

			Fairly and reasonably related in scale and kind - TBC
Community Hall Facilities Calculation	$250 \times 2.49 = 622.5$ $622.5 \times 0.185 \times \text{£}2,482 = \text{£}285,833.33$	<p>20% prior to occupation of any dwellings</p> <p>80% prior to occupation of 100th dwelling</p>	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Indoor Sports Calculation	$250 \times 2.49 = 622.5$ $622.5 \times \text{£}335.32 = \text{£}208,736.70$	<p>25% prior to occupation of any dwellings</p> <p>Further 25% prior to occupation of 100th dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer</p>

			Contributions SPD calculation based on the final mix of housing and number of occupants.
Landscape Monitoring Contribution	£15,000	Prior to implementation of any Open Space	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p>Directly related – For the use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council.</p>
Outdoor Sports Contribution	$£2,017.03 \times 250 = £504,257.50$	<p>25% prior to occupation of any dwellings</p> <p>Further 25% prior to occupation of 100th dwelling</p> <p>Remaining 50% prior to occupation of 200th dwelling</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p>

			<p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Public Art Contribution	$£224 \times 250 = £56,000$	<p>50% prior to occupation of any dwellings</p> <p>50% prior to occupation of 100th dwelling</p>	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Thames Valley Police Contribution	$£2,393.92 + £5,575 + £3,060 + £5,550 + £27,953.28 = £44,532.20$	Prior to occupation of 50 th dwelling	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>

LEAP provision	Detailed to be agreed through Reserved Matters application	Prior to occupation of 75% of dwellings	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Affordable Housing	Policy compliant.	Construct all of the Affordable Housing dwellings in a phase prior to the use or Occupation of 85% of the Market dwellings in that phase.	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Highway Works Contribution	£224,358.97	Prior to occupation of 200 th dwelling	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>

Public Rights of Way Contribution	£60,000	Prior to occupation of 100 or more dwellings	<p>Necessary - TBC</p> <p>Directly related – TBC</p> <p>Fairly and reasonably related in scale and kind - TBC</p>
Public Transport Services Contribution	£262,750	<p>50% prior to occupation of 100 dwellings</p> <p>50% prior to occupation of 200 dwellings</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Secondary Education Contribution	£1,994,220	10% prior to implementation	Necessary - TBC

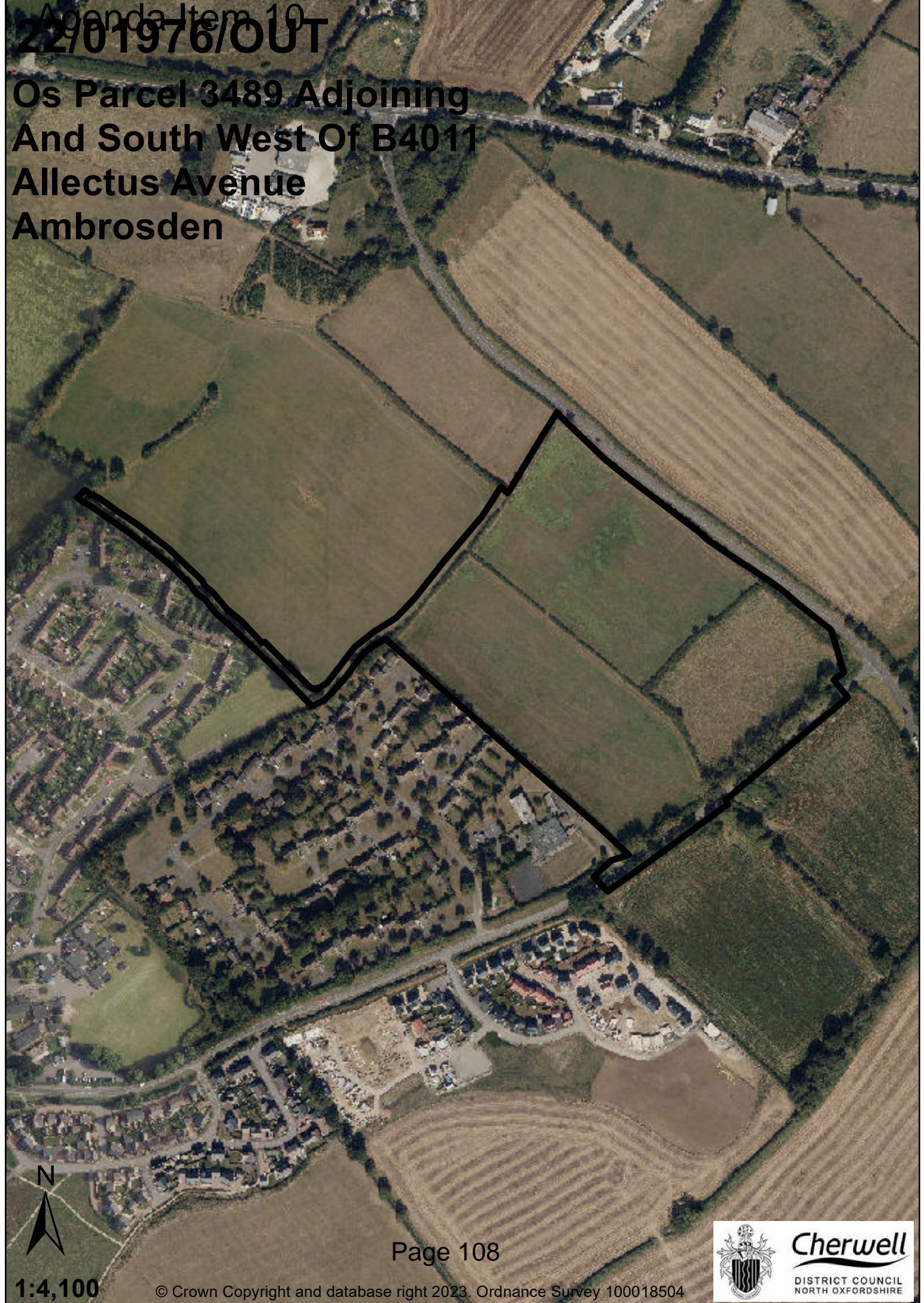
		30% prior to occupation of any dwellings 30% prior to occupation of 100 th dwelling 30% prior to occupation of 200 th dwelling	Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Secondary Land Contribution	£199,980	Prior to occupation of any dwellings	Necessary - TBC Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Special Education Contribution	£134,611	10% prior to implementation 30% prior to occupation of any dwellings	Necessary - TBC Directly related – TBC

		30% prior to occupation of 100 th dwelling 30% prior to occupation of 200 th dwelling	Fairly and reasonably related in scale and kind - TBC
Travel Plan Monitoring Contribution	£1,558	Prior to occupation of any dwellings	Necessary - TBC Directly related – TBC Fairly and reasonably related in scale and kind - TBC
Waste Recycling Contribution	£93.96 £93.96 x 250 dwellings = £23,490	50% prior to occupation of any dwellings 50% prior to occupation of 100 th dwelling	Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SP Directly related – The need for these comes from the increase in the number of dwellings Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD

CDC and OCC Monitoring fee	CDC: £TBC OCC: £TBC	On completion of the S106	The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable. OCC to advise on their monitoring costs
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Agenda Item 10
22/01976/OUT

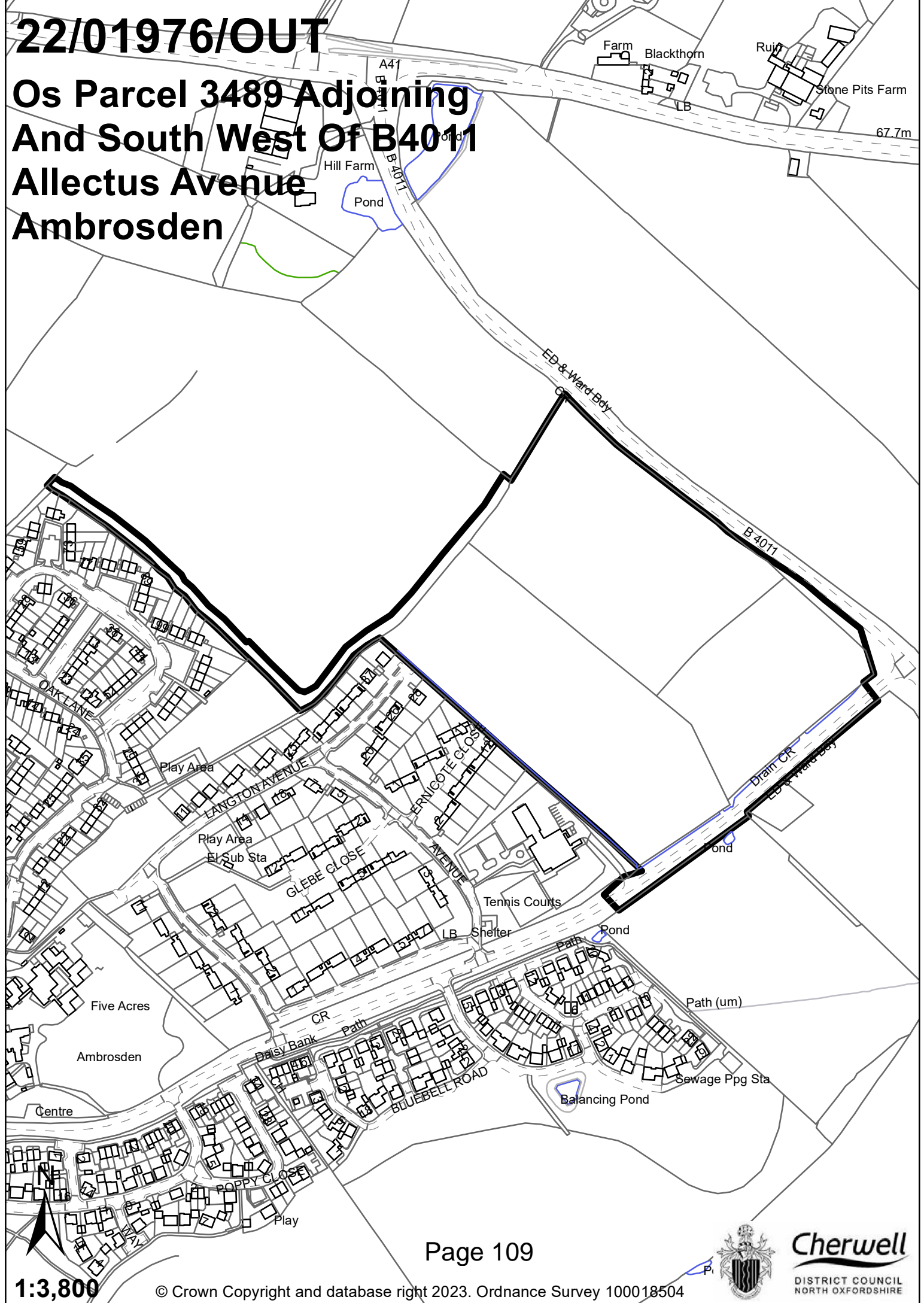
**Os Parcel 3489 Adjoining
And South West Of B4011
Allectus Avenue
Ambrosden**



1:4,100

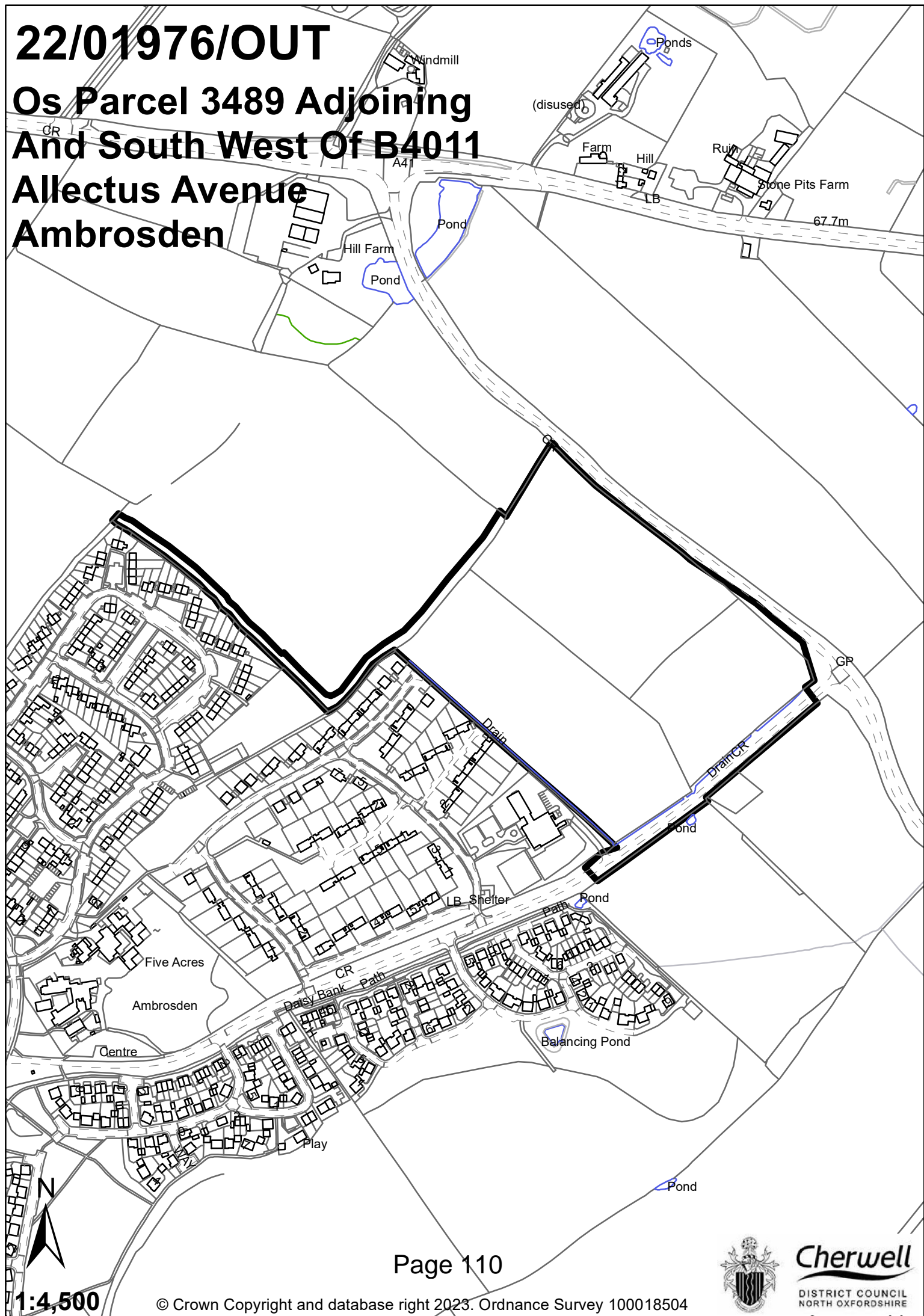
22/01976/OUT

Os Parcel 3489 Adjoining And South West Of B4011 Allectus Avenue Ambrosden



22/01976/OUT

Os Parcel 3489 Adjoining And South West Of B4011 Allectus Avenue Ambrosden



1:4,500



Case Officer: Natasha McCann

Applicant: Hallam Land Management

Proposal: Outline Application (except for access) for residential development of up to 75 dwellings including bungalows; open spaces (including children's play space); community woodland and other green space; new vehicular and pedestrian access off Blackthorn Road; and associated landscaping, earthworks, parking, engineering works, demolition, and infrastructure

Ward: Launton And Otmoor

Councillors: Cllr Coton, Cllr Holland and Cllr Patrick

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 28 February 2023

Committee Date: 9 February 2023

SUMMARY OF RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises 9.36ha of generally flat agricultural land on the north eastern edge of the village of Ambrosden. The site is bound by Blackthorn Road to the south east and the B4011 to the north east. The site adjoins existing (former MOD) residential development and the Bicester Garrison Officer's Mess to the south and south west. The site extends into agricultural fields to the north west and the wider surrounding area to the north east and south east beyond the B4011 are also in agricultural use.
- 1.2. The site is bound by established mature hedgerow with some trees and tree groups and a drainage ditch runs along the boundary with Blackthorn Road. The site slopes gently from north to south.

2. CONSTRAINTS

- 2.1. The application site has the following constraints:
- Within Flood Zone 1 – i.e., the land is the lowest flood risk
 - The site is boarded by an archaeological alert area (Bronze Age Ring ditch).
 - The site is identified as a habitat for bats

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning consent for the development of the site for up to 75 mixed residential dwellings with the inclusion of community woodland and other green space, locally equipped area of play (LEAP), informal open space, new vehicular and pedestrian access off Blackthorn Road and associated landscaping,

earthworks, parking, engineering works, demolition, and infrastructure. All matters are reserved except access.

- 3.2. The Illustrative Master Plan (HLM034/024 E) proposed that the development would be split into two areas with a defined residential development area of 2.57ha abutting the existing residential development to the southwest and west of the site. The residential area would be separated from Blackthorn Road by a sustainable drainage pond to the south of the site. The proposal indicates a residential density of 30dph and assumed provision of 27 affordable homes (35%).
- 3.3. The proposed community woodland and other green space measuring 4.90ha would be located to the northeast and east of the residential development separated by the proposed access route. The LEAP and associated parking measuring 0.16ha would be located to the north of the residential area with shared access via the proposed access route of Blackthorn Road. The Framework Plan (HLM034/002 M) indicates the proposed 3m footpath route to connect to the existing bridleway to the north (105/6/20).

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application: 13/00621/OUT Refused 12 July 2013

OUTLINE - Demolition of Ambrosden Court and erection of 45 No residential units with access off Merton Road

Application: 16/00190/PREAPP Observations 6 October 2016

Pre-Application Advice - Residential development of up to 130 new dwellings open spaces for recreation including children's play spaces and outdoor sports a sports pavilion community building community orchard and allotments new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works, including ground remodelling and infrastructure

Application: 16/02370/F Permitted 25 January 2018

Erection of 85 dwellings with public open space, associated parking, landscaping, new vehicular accesses and servicing

Application: 16/02611/OUT Refused 4 August 2017

Up to 130 dwellings; open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground remodelling), demolition and infrastructure. Application was refused for three reasons:

1. That cumulatively with other recently approved/delivered new housing developments, the proposed development would cause the level, scale and intensity of new housing growth in the village of Ambrosden to be inappropriate and significantly prejudicial to the objectives of the strategy inherent within the Cherwell Local Plan

2011-2031 Part 1 and Policy Villages 2 to distribute limited housing growth across the rural areas over the plan period to enable all settlements to participate in sustainable growth.

2. Having regard to the District's strong housing supply and delivery position both generally within the urban and rural areas, the proposals would result in the unnecessary development of greenfield land forming part of the open countryside and are therefore detrimental to the intrinsic natural beauty of the countryside causing undue visual intrusion into the open countryside. The proposals therefore conflict with the requirements of Policy Villages 2 and ESD13 of the Cherwell Local Plan 2011-2031 Part 1 as well as Policy C8 of the Cherwell Local Plan 1996 and Government guidance contained in the National Planning Policy Framework.
3. In the absence of a satisfactory completed legal agreement, the development fails to adequately provide for on and off-site infrastructure necessary to mitigate its impact including in terms of provision/maintenance of the following: affordable housing, play and public amenity facilities, indoor/outdoor sports facilities, community facilities, access and transport mitigation, on-site drainage features, primary and secondary education and library book stock. As a consequence the proposed development would lead to unacceptable on-site conditions as well as significant adverse impact on wider public infrastructure to the detriment of the local community contrary to the requirements of Policies BSC9 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 as well as Government guidance in the National Planning Policy Framework.

Application: 16/00118/SO Screening Opinion 18 April 2017
not requesting EIA

Screening Opinion to 16/02611/OUT - Up to 130 dwellings, open spaces for recreation (including children's play spaces and outdoor sports); a sports pavilion; community orchard and allotments; new vehicular and pedestrian access off Blackthorn Road and associated landscaping, parking, engineering works (including ground re-modelling), demolition and infrastructure

Application: 18/02056/OUT Appeal Allowed 20 February 2019
(Against Refusal)

OUTLINE - Erection of up to 84no dwellings with public open space, landscaping and sustainable drainage system (SuDS) and vehicular access point from Merton Rd - All matters reserved except for means of access

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 24 August 2022, although comments received after this date and subsequent comments relating to additional information/amendments received and before finalising this report have also been taken into account.
- 6.2. A total of 42 letters of objection letters have been received from local residents. The comments raised by third parties are summarised as follows:
- The proposal results in the loss of green open space which is used by local residents for recreational use
 - Overdevelopment/over intensification of Ambrosden
 - No assessment made of the accumulative impact of the recently built developments on the village or future proposals within the system proposed for developments within the same area
 - Destroying green barrier between villages/merging with Bicester
 - Loss of agricultural land/countryside
 - Increased traffic congestion
 - No improvement to local facilities such as the doctor's surgery, shop, pub or dentist resulting in increased pressures on local community
 - Detrimental impact to education provision stating that local primary and secondary schools are already over prescribed with no capacity for increased demand
 - Amenities, infrastructure, roads and road safety are being stretched beyond what is reasonable
 - Poorer air quality
 - Noise pollution
 - Detrimental impact on local wildlife and habitats
 - Setting an unwelcomed precedent for future developments in the area
- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. Ambrosden Parish Council: Supports the application

"The applicants have worked with Ambrosden Parish Council to provide what the village actually wants, and not what they think the village wants. The visual impact of this development would be minimal, given the surrounding trees already in place along Blackthorn Road and the B4011 will provide screening for the new houses. The land is also level on this site, meaning the houses will not stand out on approaching the village, and the additional trees will also screen the view.

The additional trees that the applicant has offered, in the form of woodland, will assist with the issue of flooding which Blackthorn Parish Council have previously raised. The

developer has listened to the Parish Council's concerns about the scale of the development, and reduced the number of units that will be built. They have also included bungalows in the number of units, which will assist locals who are looking to downsize as they are may be getting older and unable to live in a multilevel dwelling.

Therefore Ambrosden Parish Council is in support of this application.

CONSULTEES

- 7.3. CDC LANDSCAPE OFFICER: **No objection** subject to conditions.
- 7.4. OCC HIGHWAYS: **No objection** subject to conditions, S106 contributions and an obligation to enter into a S278 agreement.
- 7.5. LEAD LOCAL FLOOD AUTHORITY: Originally objected requesting further information. Further to the receipt of additional information raise **no objection** to the scheme subject to a detailed surface water drainage scheme being conditioned.
- 7.6. CDC DRAINAGE: Further to the receipt of additional information raise **no objection**.
- 7.7. THAMES WATER: **No objection** subject to pre-commencement condition.
- 7.8. OCC ARCHAEOLOGY: **No objection** subject to condition regarding landscaping and planting.
- 7.9. CDC ECOLOGY: **No objections** subject to conditions and District License.
- 7.10. CDC STRATEGIC HOUSING: **No objection** subject to securing 35% affordable housing. Comments provide details on the tenure, size and standard of the units which would be secured through the S106 and consideration of the reserved matters application.
- 7.11. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions for further ground investigation, remediation, and pre commencement conditions relating to noise, air quality and lighting. Agrees with the findings of the Noise Assessment, land investigation report and air quality assessment.
- 7.12. OCC EDUCATION: **No objection** subject to financial contributions towards secondary (including land contribution) and SEN school provision in Ambrosden and surrounding area.
- 7.13. OCC WASTE MANAGEMENT: **No objection** subject to a contribution for the expansion and efficiency improvements of Household Waste Recycling Centre capacity.
- 7.14. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: Request contribution of £360 per person generated by development. This area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Alchester Medical Group practice in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.
- 7.15. CDC PLANNING POLICY: **No comments received**

- 7.16. CAMPAIGN TO PROTECT RURAL ENGLAND: **Objects**. Raised concern for sustainability of the site, cumulative impact from surrounding planning applications, biodiversity net gain, loss of arable land and impact on ecology of the site and adjacent Ray Conservation Target Area.
- 7.17. SPORT ENGLAND: **No objection**, informative advised.
- 7.18. NATURE SPACE: **Objection** on the grounds of impact on great crested newts.
- 7.19. NATIONAL HIGHWAYS: **No objection**
- 7.20. CDC ARBORICULTURE: **No objection** subject to condition.
- 7.21. NATURAL ENGLAND: No comment.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC7 – Meeting Education Needs
- BSC8 – Securing Health and Well-Being
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (AMR) (December 2021)
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of Development
- Landscape and Visual Impact
- Design, and Illustrative Layout
- Highway Safety
- Flood Risk and Drainage
- Residential Amenity
- Ecological Implications
- Housing Mix/Affordable Housing
- Noise, Contamination and Air Quality
- Sustainable Construction and Energy Efficiency
- Impact on Local Infrastructure

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, '*The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area*'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, '*Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement*'.
- 9.8. Paragraph E.19 of the Local Plan states, "*If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability*".
- 9.9. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site features as site HELAA252 and was considered to be suitable or achievable for housing and states:

Greenfield site outside the built-up limits. Ambrosden is a Category A village in the adopted Local Plan Part 1, the category of the most sustainable villages in the district. The adopted Local Plan makes provision for some development (10 or more homes and small scale employment) at Category A villages. Development on the whole site is considered to be unsuitable and would be out of scale with the village. The site is located away from the village centre therefore would be difficult to integrate well with the rest of the village. The site is also in close proximity to Blackthorn village and development in this location could result in some coalescence. There is potential to develop a field parcel (3.3 ha) to the east of the Officer's Mess without unacceptable encroachment towards Blackthorn should further housing in the rural areas be required. The site could accommodate 99 dwellings based on 30 dph on 3.3 ha. With regard to assisting Oxford with its unmet

housing need, Ambrosden lies outside Areas of Search A and B. (2018 HELAA, Appendix 4).

9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Ambrosden is a Category A village and is considered among the most sustainable villages in planning terms.

9.11. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'.* This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'.*

9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:

- i. 'Whether the land has been previously developed land or is of less environmental value';*
- ii. 'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
- iii. 'Whether development would contribute in enhancing the built environment';*
- iv. 'Whether best and most versatile agricultural land could be avoided';*
- v. 'Whether significant adverse landscape and visual impacts could be avoided;*
- vi. 'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. 'Whether the site is well located to services and facilities';*
- viii. 'Whether necessary infrastructure could be provided';*
- ix. 'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. 'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. 'Whether development would have an adverse impact on flood risk'.*

National Planning Policy Framework

9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.14. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

9.17. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*

9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.

9.19. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply

9.20. Cherwell's housing land supply as reported in the Council's 2021 Annual Monitoring Report (AMR) concluded that the District had a 3.5 year supply for the next five year period 2022-2027 commencing on the 1 April 2022. This is reviewed annually and currently the housing land supply position is calculated as 5.4 year supply of housing for the period 2022-2027.

9.21. This updated figure is contained within the Agenda to the Council's Executive meeting on 6 February. This is largely the result of applying the standard method housing need

figure of 742 homes per year from 2022 rather than the Local Plan figure of 1,142 from 2011. The paper states at paragraph 3.26, ‘... *economic conditions are challenging, and it is important that officers continue to seek Local Plan compliant housing delivery to maintain supply and deliver the district’s planned development. Having a year land supply position does not mean that development allowed for the Local Plan should halt. Indeed, not progressing planning development considered to be acceptable could undermine the land supply position.*

- 9.22. In addition, the 2022 AMR is also being presented to the Executive meeting on the 6 February 2022, within which it is confirmed that, “*during the 2021/22 there were 184 dwellings completed at Category A Villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 2014 there has now been a total of 703 completions with a further 165 under construction totalling 868 dwellings. A further 48 dwellings are likely to be built out...*”

Assessment

- 9.23. This assessment has been made on the basis that Cherwell District Council shall be able to demonstrate a five-year supply of deliverable housing sites subject to the executive meeting on the 6 February. In the event that the Executive does not agree to the revised five-year housing land supply the planning balance of this proposal may change. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.24. This application seeks planning permission for the development of a field to provide 75 dwellings and two smaller fields for a community woodland and open space. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Ambrosden village and therefore within the countryside. The site is bounded by existing built form to the west.
- 9.25. Ambrosden is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district’s villages. By population size (2011 Census) Ambrosden is the 5th largest Category A settlement. It is one of the better served category A Villages and has a number of services and facilities as discussed elsewhere in this report and has a close geographical relationship to Bicester which accommodates a larger range of services, facilities and job opportunities. It was considered sufficiently sustainable by a Planning Inspector allowing the 2021 appeal for a development of 84 houses APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP.
- 9.26. Whereas the 2021 AMR reported that 519 dwellings had been completed at Category A villages since March 2014, with a further 230 under construction (running total **749**) and approvals for a further 319 not yet commenced (running total 1068), the 2022 AMR reports that 703 dwellings have now been completed at Category A villages, with a further 165 under construction (running total **868**) and 48 likely to be built out i.e. sites where part of the development has been completed (running total 916). In addition, there are approvals for a further 314 not yet commenced (running total 1230).
- 9.27. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption

against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.

- 9.28. The Inspector commented that Policy Villages 2 does not contain any temporal dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it falls that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015.
- 9.29. In addition, the Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction, and an annual delivery rate of 54 dwellings per year from PV2, which would have resulted in the delivery of 750 homes by 2028. The Tappers Farm Inspector stated,

"There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised."

- 9.30. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 213 dwellings are under construction across 10 different sites. The delivery rate in 2021-2 was 184 dwellings, the average annual delivery rate having risen to 78 dwellings per year and 134 dwellings per year over the last 4 years. It is reasonable to expect all of these 213 dwellings to be delivered – there are none so far in the plan period at Category A villages that once commenced have not been completed – and therefore the total number of dwellings delivered under PV2 will exceed the total of 750 set out in the policy.
- 9.31. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point has been reached where planning harm would be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.
- 9.32. In determining whether the application site is acceptable there is a need to apply the site criteria within Policy Villages 2. The assessment in the 2018 HELAA is also material, albeit of limited weight (given the purpose of this document). The earlier decisions on the site and the planning appeals within the district including the appeal at Blackthorn Road in Launton (17/01173/OUT), Land North of Merton Road,

Ambrosden (18/02056/OUT) and OS Parcel 2778 Grange Farm North West of Station Cottage, Launton (21/04112/OUT) are also material considerations.

Policy Villages 2 Criteria

- 9.33. The applicable criteria of Policy Villages 2 are provided at paragraph 9.18 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.
- 9.34. Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,250. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester and the proximity to Bicester is a material consideration which weighs in favour of the proposal. Officers consider that the village itself contains a suitable level of services and facilities to meet the day to day needs of residents and is one of the better served Category A villages. Furthermore, subject to other matters, officers consider that the level of growth proposed under this application could be accommodated in the village, alongside that which has already been permitted, without causing harm to the overall housing strategy in the Development Plan particularly in light of there being no spatial distribution of housing outlined in Policy Villages 2.
- 9.35. Whilst the third-party concerns are noted regarding the sustainability of the site, given Ambrosden's general sustainability it is considered that the scale of development proposed (alongside the existing authorised development in the village) would not result in harm to the overall rural housing strategy outlined in the Development Plan and as noted above Planning Inspectors have noted there is no spatial distribution of housing required under Policy Villages 2. Other matters relevant to the consideration of scale of the development include the impact of the development on local infrastructure and the impact on the character and appearance of the area and these are considered elsewhere in this report.
- 9.36. Consideration of criteria (ii) wildlife and heritage, (v) landscape impacts, (vi) vehicular and pedestrian access, (viii) impact on infrastructure and (xi) flood risk of Policy Villages 2 are outlined in detail elsewhere in this report.
- 9.37. In a broader extension to the assessment of sustainability, consideration has been given to the wider benefits of the scheme which is afforded weight when concluding the planning balance. In terms of the three legs of sustainability as defined in the NPPF, the economic impact of the proposed development would create jobs both directly and indirectly through the addition of the 75 dwellings, community woodland and play space. Socially, the development would provide needed market and affordable housing on the edge of a sustainable main settlement in close proximity to local community facilities that are served by public transport services. In addition, the provision of the community woodland and new footpath connecting to the existing bridleway is considered a social benefit to the village. Environmentally, the community

woodland and planting throughout the development would enhance habitats available for wildlife whilst provide a natural buffer to the edge of the village. It is considered that the proposed development fulfils the requirements of paragraph 10 of the NPPF and can be considered sustainable as explored in further detail above and below within this assessment.

- 9.38. Since the submission of this application, two separate planning applications have been submitted to the local planning authority for residential development on the built edge of Ambrosden. This includes application 22/02455/OUT which has proposed 55 dwellings at Land West of Church Ley Field Adjacent to Blackthorn Road which is sited at the site directly to the south/southeast of the host site separated by Blackthorn Road. The second application is 22/02866/OUT which proposed 120 dwellings at the land East of Ploughley Road which is approx. 960m to the northwest of the current application site. In the event that each application was approved, this would equate to a total of 250 new dwellings on the edge of village. In light of the updated five year housing land supply of 5.4 years, if confirmed on the 6 February 2023, each application will be assessed against Policy Villages 2 with the benefits of the scheme weighed against the contrary impact of residential development within a category A village.

Conclusion

- 9.39. Overall, whilst consideration of the matters detailed in the sections below is required to reach an overall conclusion on the overall acceptability of the development, the broad principle of this scale of growth in the village of Ambrosden is considered to be acceptable and represents sustainable development.
- 9.40. The meeting of the Executive takes place on the 6th February 2023, confirmation of the decision on the housing land supply figure or should there be confirmation of the decision on the housing land supply figure as a result of the decisions made at that meeting, will be contained in the written update to planning committee.

Landscape and Visual Impact

Policy context

- 9.41. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting.
- 9.42. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development.* Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.*

- 9.43. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*. It goes on to state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.44. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*.
- 9.45. Further, as noted above, Policy Villages 2 of CLP 2015 requires consideration of whether significant landscape and visual impacts can be avoided and whether the development would contribute to enhancing the building environment.
- 9.46. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment

- 9.47. A Landscape and Visual Impact Appraisal accompanies the application. The site is within the Oxfordshire Wildlife and Landscape Study 2004 landscape type 'Clay Vale' which is described as a flat, low-lying vale landscape, associated with small to medium pasture fields, many watercourses and hedgerow trees with small to medium sized nucleated villages. The overall strategy is to safeguard and enhance the tranquil, small scale pastoral character of the area and minimise visual intrusion at the fringes of villages with planting characteristic of the area and maintain the nucleated pattern of settlements.
- 9.48. The LVIA outlines that the application site as lying partly within Clay Vale (typified by flat low lying landform dominated by pastureland and small to medium sized hedged fields) and partly within Pasture Hills landscape types (typified by prominent hills standing out for the surrounding landscape, predominantly small grassland fields enclosed by prominent hedges). The Cherwell Landscape Assessment (1995) defines the site as lying within the Otmoor Lowlands landscape character area which it concludes is comprised primarily of flat, wet, low lying arable field network surrounded by ditches and hedges. The site is not subject to any statutory or non-statutory designations for landscape character, quality or value. It is part of a pleasant but unremarkable rural landscape. The Council's Landscape Officer largely agrees that the judgement made in the appraisal of visual effects within the LVIA and the viewpoints are generally representative of the site and its surroundings and form a good basis for the visual appraisal.

- 9.49. The LVIA states that the site has a medium landscape value which is broadly agreed by the Landscape Officer. The LVIA states that the visibility of the site is effectively prevented and restricted by various characteristics of the site. This includes siting against the built-up area of Ambrosden to the west and south, the overlapping network of trees and hedgerows along the southern site boundary and by the gentle rise in landform to the north. The Landscape Officer agrees that these physical characteristics of the site contribute to the visual shielding of the site. Furthermore, as agreed by the Landscape Officer, roadside receptors on Blackthorn Road and balancing pond located to the southwest of the site separating the proposed residential dwellings from the highway act as additional barriers to the visibility of the proposed built form. The Landscape Officer agreed that the intervening tree groups should be planted to further mitigate the views which can be secured by condition. The proposed entrance to the site off Blackthorn Road would allow for a break in boundary screening due to the required width and visibility for the access. However, due to the separation distance to the proposed dwellings separated by the attenuation pond together with tree canopy and highway orientation, the visibility available from the proposed access would result in limited visual impact.
- 9.50. The LVIA and Landscape Officer agree that in terms of visual impact to neighbours, residents along Ernicote Close and Langton Avenue would have close range views of the site and the immediate landscape. The proposed dwellings would be immediately visible from the properties immediately to the west and northwest having a Major Moderate Adverse at year 1 and Moderate Adverse at year 15 if boundary hedgerow supplemented and contained, with additional native trees and shrubs. Due to the existing hedgerow filters separating the proposed residential plot and properties along Ernicote Close and Langton Avenue, these views would be largely confined to first floor level. No indicative plans have been included within the submission in relation to the layout and scale of the proposed dwellings however the impact of the dwelling layouts within the site will be given considerable weight to the impact on said neighbours at reserved matters stage to ensure some level of visibility from Ernicote Close and Langton Avenue to the proposed community woodland area is afforded.
- 9.51. The residential properties to the south/southwestern edge of the site make up a recently developed site, Violet Close-Iris Close, off Church Leys Field. The landscape officer agreed with FPCR that these neighbours would have a minor adverse on year 1 and minor adverse negligible at year 15 because of the visually limiting trees along Blackthorn Road. The boundary of the neighbouring site (16/02370/F) ceases approx. 138m from the beginning of the southwest boundary of the proposed site. The sites are intervened by Blackthorn Road and the siting of the tennis court site. Following site visits, the officer agrees with the LVIA that visibility of the proposed site from Violet Close-Iris Close would be limited due to intervening mature trees along Blackthorn Road, separation distance and orientation of the opposing residential plots. Whilst it is agreed that some glimpsed first floor views are likely, given the separation distance of a minimum 320 metres this is not considered to result in harmful visual impact.
- 9.52. It is acknowledged that Public Rights of Way Users are judged to be of high susceptibility to change. The site will be visible from Public Bridleway (105/6/10) which occupiers a slight rise in the landscape. The topography together with the sporadic break in hedgerows allows used open views of the local landscape around Ambrosden which includes views of the proposed site and its northern hedgerow. The LVIA states the experience includes views of intervening open grazing land, the built edge of Ambrosden, tall mature trees on Blackthorn Road and the rising land of

Arcott Hill in the distance. The Landscape Officer agreed with FPCR that the proposal would have a one year moderate adverse and a minor adverse at year 15 due to intervening at the public right of way. The proposal would significantly alter the views of the site introducing extensive levels of built form visible from the public right of way however this has been viewed against the introduction of the community woodland which would create a more attractive and visibly pleasing view from that of the open flat land as existing. On balance, the mitigation of securing the community woodland is considered to help reduce the visual impact of the additional built form and the inclusion of additional landscape measures such as additional hedgerows, trees and shrubs to the northern boundary would enhance the views along the Public Bridleway (105/6/10).

9.53. The inclusion of new community woodland in the eastern field would change the landscape character of the field and hedgerow which the Landscape Officer concluded would provide microclimatic improvements such as shelter and public amenity (health and wellbeing). The community woodland includes retaining hedgerows and introducing new broadleaved woodland, woodland edge/scrub planting, new native trees, and species. The proposed dwellings would be located to the eastern edge of the site abutting the existing residential cul-de-sacs along Erricote Close and Langton Avenue. The proposed site layout allows the residential confinement to be viewed as an adjunct to the existing residential boundary of Ambrosden whilst the community woodland would provide a landscaped buffer which acts as a barrier between the new residential development and the open countryside. The inclusion of the community woodland allows for a gentler transition between the built form and open countryside whilst restricts further built development to the northeast of the site. This application differs from the previous application on the site (16/02611/OUT) in that the number of dwellings has been reduced from 130 to 75 subsequently allow the provision of the community woodland which is considered a social, economic and environmental benefit of the scheme.

9.54. Broadly speaking, without being of intrinsically high landscape value, the application site is considered to complement the local landscape character given that it comprises a large open field, hedgerows, trees and pond which in turn supports the rural character and setting of Ambrosden. As a result, its development in the manner proposed would result in a level of harm to the local landscape character and natural beauty of the countryside without necessarily causing significantly harm due to the comparatively ordinary landscape value of the land and its surrounding. Policy ESD13 of the CLP 2015 is material in this respect and resists undue visual intrusion into the countryside as well as development that is inconsistent with local character which the proposals generally conflict with. Notwithstanding this, despite the incursion into characteristic open countryside, the site and therefore the proposed development is relatively well related to the existing form and pattern of the village. The depth of the residential element of the proposal is similar to the adjacent residential grain appearing as an appendage to the existing village. The proposed community woodland to the east of the plot, as noted above, acts as a buffer to the open countryside ensuring that the development would be relatively well contained within the settlement pattern reducing the visual experience of the development from wider viewpoints. As a result, the development of the site as proposed would not be especially incongruous with the existing form of the village and this would help prevent it being experienced as a substantial projection of build development into the surrounding countryside.

Conclusion

9.49 As outlined in PV 2 there is a requirement that a number of key criteria be taken into account in considering the development of housing in the village. Of these criteria the following are relevant to this application:

- *Whether the land has been previously developed land or is of less environmental value;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether significant adverse landscape impacts could be avoided*

9.50 In considering these points, the development of this site would not be on previously development land, on land of high environmental value or attached to any landscape designations. The provision of additional built form within the countryside has been offset by the provision of community woodland to the east of the plot which environmental value for the approach coming southwest along Blackthorn Road when entering the village of Ambrosden. The inclusion of the community woodland contributes to the landscape mitigation ensuring the longevity and protection of the village barrier. As outlined in the paragraphs above, the proposal would result in less than sustainable harm in terms of landscaping and visual impact and a balanced view concludes that the development would appropriately integrate within the village of Ambrosden. For these reasons, the development of the site is considered to comply with the criteria under Policy Villages 2 and the benefits of the residential development would outweigh the harm. The landscape and visual impact of the proposal has been assessed against Policies C28 and C30 of the CLP 1996, Policies ESD13 and ESD15 of the CLP 2015 and the NPPF and considered acceptable.

Design and illustrative layout

Policy Context

9.55. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policies C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.

9.56. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

9.57. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an Illustrative Masterplan and Development Framework Plan which demonstrate the one way the quantum of development proposed could be

accommodated on the site. The application is also accompanied by a Design and Access Statement, which outlines some design principles. The proposed development includes up to 75 residential dwellings that will include the provision of bungalows. A multifunctional green infrastructure network will permeate through the development which will incorporate existing vegetation, a LEAP, community woodland and other green space and Sustainable Urban Drainage (SuDS).

- 9.58. The illustrative plan indicates that the residential dwellings will be confined to the eastern side of the plot adjacent the existing residential cul-de-sacs (Ernicote Close and Langton Avenue) across a 2.57ha area with a density of 30 dwellings per ha. The density of the residential area is in accordance with section B.102 of Policy BSC1 and represents a similar density to the residential development across Ambrosden.
- 9.59. The details of the green infrastructure of the community woodland would be agreed via condition. The mix of formal and informal open space together with the community woodland provision is considered to provide a sympathetic layout to the rural vernacular type of development which would be required within an edge of village location. The proposal would be in accordance with Policy BSC11 as the plan demonstrates how a suitable quantum of green space can be provided. The development proposals a Locally Equipped area of Play (LEAP) in accordance with Policy BSC11. The Landscape Officer raises no objection to the proposed LEAP and a condition will be added to ensure that the necessary details are agreed regarding hard landscaping/surface, habitat/landscape typologies and management plan to ensure the public realm is maintained appropriate at reserved matters stage. It is considered that the application has now demonstrated how this quantum of development could be provided on the site, at a suitable density, and with sufficient levels of green space/play areas. A contribution for Landscape and Ecology Monitoring has been agreed. The proposed footpath to connect to the existing bridleway is considered an advantageous benefit of the scheme ensure accessibility and social connection to the proposed development.
- 9.60. The submitted Design and Access Statement does go into some design principles for the site however these both illustrative and limited with little weight to the actual proposed layout, scale, design and form of the proposed 75 dwellings. However, in the context of this being an outline planning application officers are now satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design and form could be negotiated at reserved matters stage.

Highway Safety

Policy Context

- 9.61. Policy ESD15 of the CLP 2015 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions." Policy SLE4 states that: "All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported." The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would

be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe.

Assessment

- 9.62. The application has been accompanied by a Transport Assessment which has been assessed by the local highway authority (LHA). The LHA considers this to form a robust basis on which to assess the application, which uses industry standards to forecast traffic generation, and raises no objection to the application subject to a number of conditions and a legal agreement securing a number of works.
- 9.63. The site is located at the eastern edge of the village of Ambrosden, and currently used for agricultural purposes and to the north of Blackthorn Road. It is subject to a 50mph speed limit from its junction with the B4011, reducing to 40mph around 230m to the west on entry to the village. This change in speed limit is located along the site frontage. A further 350m west, the speed limit reduces to 30mph, which applies to other key roads within the village.
- 9.64. The proposal provides vehicle access to the site via the construction of a new T-junction with Blackthorn Road, around 195m west of the junction with the B4011. OCC Transport considers the 5.5m wide carriageway with 2m wide footways on both sides, dropped kerbs and tactile paving and visibility splays of 2.4m x 160m to the east and 2.4m x 120m to the west acceptable. The proposed footway would connect to the existing footway provision at Allectus Avenue via Church Leys Field which enables appropriate pedestrian access to the village. Parking provision for cars and bicycles will be provided in accordance with the parking standards at reserved matters stage. The LHA observed that the site is located within reasonable cycling distance to parts of Bicester and employment opportunities at A41 (Symmetry Park) and at Arccott (Ministry of Defence).
- 9.65. The site is served by bus routes 29, S5 and H5 Bus routes with the nearest bus stop 1.1km away at Ploughley Road or 1.2km away at Merton Road equating a 13/14 minute walk. The nearest railway station is Bicester Village, approximately 4.1km to the northwest of the site, equating to a 17-minute cycle. The LHA confirmed that this distance does not comply with guidance necessary to ensure bus is an attractive option for providing a meaningful modal share of journeys generated for the proposed development which would result in a highly car dependant scheme which is not supported in terms of sustainability. In the event that the application is approved, officers recommend that a financial contribution of £1,133/dwelling is secured via a planning contribution towards improving the frequency of the service through Ambrosden. This would ensure that the opportunities for residents to use sustainable modes of transport are maximised in accordance with the requirements of Policy SLE4 of the CLP 2015. The LHA has also sought the provision of five Sheffield type cycle parking stands on highway land in the vicinity of the 'Willow Road' bus stops on Ploughley Road (within 50m of them) to provide better sustainable transport options for existing and future occupiers of the village.
- 9.66. The LHA made comments on the proposed link to Ambrosden Bridleway stating that it should be provided as a bridleway/cyclepath to enable residents and visitors to walk or ride to and from the development to other parts of the village or wider PROW network. The works would be facilitated and constructed within the context of S278 agreement to adoptable standards. The LHA supports the proposed link noting the benefits of connecting the link into West Hawthorn Road. It is important that any

development creates linkages to this to provide future residents with alternative links to village services and facilities along with the requested contribution of £25,000 from OCC to make improvements to public rights of way in the vicinity of the site and encourage their use by residents. These can be secured through a legal agreement.

Conclusion

9.67. In conclusion and having regard to the above, officers are content that the proposed development would be served by a safe and suitable means of access and that the scheme adequately promotes sustainable modes of travel and, subject to securing mitigation, would not have an unacceptable cumulative impact on the wider local highway network. The proposals are therefore considered to accord with the requirements of Policy SLE4 of the CLP 2015 in this regard and scores favourably against the relevant criterion set out in Policy Villages 2.

Flooding Risk and Drainage

Policy context

9.76. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 16 of which states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) *within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) *the development is appropriately flood resistant and resilient;*
- c) *it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) *any residual risk can be safely managed; and*
- e) *safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.77 Paragraph 169 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) *take account of advice from the lead local flood authority;*
- b) *have appropriate proposed minimum operational standards;*
- c) *have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) *where possible, provide multifunctional benefits.*

9.78 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

- 9.79. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.80 A site-specific Flood Risk Assessment (FRA) has been submitted to support the application. The Environment Agency's flood maps indicate that the site is located in Flood Zone 1 at lowest risk from flooding. The Flood Risk assessment has noted the indicated presence of surface water flood risk at parts of the site. This can be addressed and mitigated as part of the detailed drainage design.
- 9.81 The applicant has submitted a Flood Risk Assessment (FRA) which has been amended with further information during the course of the application process. The FRA outlines a potential drainage strategy for the site including an infiltration basin feature in the western area of the site which also doubles up as part of the area of open space serving the development. In section 6.2 of the Flood Risk Assessment an assumption is made of poor ground soakage characteristics through reference to the British Geological Society mapping and data. The proposal refers to the use attenuation which is line with Oxfordshire LLFA guidance. The LLFA sought additional information regarding a surface water catchment plan, details of the agreed point of surface water discharge, phasing and details of attenuation volumes on the drainage strategy drawing. Following submission of said details, the LLFA raise no objection subject to detailed conditions regarding to a surface water drainage scheme and future maintenance.

Conclusion

- 9.83 Consequently, subject to conditions, the proposals are considered to be acceptable in flood risk and drainage terms in accordance with the requirements of Policies ESD6 and ESD7 of the CLP 2015. Policy Villages 2 also includes a criterion relating to "*whether the proposals would have an adverse impact on flood risk*". As the proposed dwellings would not adversely affect flood risk either locally or elsewhere subject to condition the proposals score favourably in this respect.

Residential Amenity

Policy Context

- 9.59 Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'.

Assessment

- 9.60 The application is in outline only and therefore all detailed proposals in the reserved matters applications would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.

9.61 The proposed development would be located to the west and northwest of the existing cul-de-sacs at Erricote Close and Langton Avenue. Due to the orientation of the neighbouring dwellings the site faces the side elevations of the closest neighbouring properties with the majority of habitable windows parallel to existing neighbouring windows facing northwest or southeast. At reserved matters stage a suitable separation distance and orientation of the proposed properties can be agreed to ensure the existing neighbouring dwellings are afforded suitable protection.

Conclusion

9.62 Given the above, it is considered that the development could be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage in accordance with the requirements of Policy ESD15 of the CLP 2015, Policy C30 of the CLP 1996 and Government guidance set out in the NPPF.

Ecological Implications

Legislative context

9.68. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- 1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- 2) That there is no satisfactory alternative.
- 3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

9.69. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst other things): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. It goes on to state that when determining planning applications, local planning authorities should apply the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.70. The NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.71. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.72. The PPG post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.73. The application is supported by an Ecological Assessment which the Council's Ecology Officer considers to be adequate in scope to assess the impacts of the development. The site is not located in any statutory or non-statutory designated site although the Ray Conservation Target Area is located to the east and south of the site, to the opposite side of the B4011 and Blackthorn Road.
- 9.74. An ecology report has been submitted as part of the application and has been undertaken in accordance with appropriate methodology. The habitats on site of most value include swamp habitat, semi-improved grassland and the existing hedgerows, which provide suitable habitats for a number of protected species. The grassland of the south-eastern grassland has a moderate species diversity, containing species including ragged robin, meadow buttercup and red clover.
- 9.75. As the proposal involves the loss of arable habitat which is of low ecological value, the retention of habitats of higher value such as hedgerows and trees and the introduction of a community woodland area which could provide refuges and corridors for wildlife, it is agreed by the Ecology Officer that the proposal would not have a significant adverse impact on biodiversity subject to conditions relating to a biodiversity enhancement scheme along with a CEMP and a lightening strategy to ensure the scheme achieves a 10% net gain for biodiversity and no net loss in accordance with Policy ESD10. Specific targets relating to bats and birds habitats will be satisfied via condition and adopted at reserved matters stage in accordance with Policy ESD10.
- 9.76. Additional information has been received during the lifetime of the application which states that the applicant intends to pursue an EPSL or class low impact GCN Licence for great crested newts which is supported by the Ecology Officer and will be ensured

by condition to be completed at reserved matters stage. The Ecology Officer has not raised any objections in regard to the impact on the adjacent Conservation Target Area.

- 9.77. With respect to the proposed Locally Equipped Play Area, in order to achieve suitable long-term management of retained and new habitats on the site, a combined ecological and landscaping scheme (LEMP) is recommended to be secured by condition if planning permission is granted. The LEMP should identify responsibility for the long-term management of the site to secure future appropriate management and monitoring. The LEMP should also include details of locations/types of bat and bird boxes as an enhancement for these species in line with the requirements of Policy ESD10 of the CLP 2015 with the aim of achieving a net gain in biodiversity. If planning permission is granted, a condition will also be attached in respect of the proposed community woodland which will involve the submission of details at reserved matters stage with regard to some areas which are solely for wildlife and not publicly accessible which could be achieved by specific planting to provide refuge and corridors for wildlife in the aim of achieving the overall net gain for biodiversity on the site and to ensure the public accessibility to the site would not undermine the ecological value of these areas.
- 9.78. In conclusion, on the subject of ecological impacts, officers are satisfied that subject to the recommended conditions, existing habitat of value can be conserved and enhanced as part of the development as well as new habitat created to achieve a net gain for the CTA, biodiversity generally and protected/priority species in accordance with the requirements of Policies ESD10 and ESD11 of the CLP 2015 as well as national policy contained in the NPPF. The proposals therefore score favourably in this respect against the relevant criterion set out in Policy Villages 2.

Housing Mix/Affordable Housing

- 9.79. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.80. Policy BSC3 requires development within locations such as Ambrosden to provide 35% affordable housing on site and provides detail on the tenure mix that should be sought. As outlined in the Cherwell First Homes Interim Policy Guidance Note there is now a national requirement for a minimum of 25% of all affordable homes to be provided as First Homes (a new discounted market sale product). As such the tenure mix for affordable homes is:
- a) 25% First Homes
 - b) 70% Social/affordable rent
 - c) 5% Intermediate housing such as shared ownership
- 9.81. The Planning Statement accompanying the application confirms that the proposed development is capable of accommodating a mix of house types and sizes including 2, 3, 4 and 5 bed units. The proposal seeks to provide a level of bungalow provision which is supported.

9.82. It is also set out that the development would deliver 35% affordable housing which would equate to provision of up to 27 affordable units on site which would be in accordance with Policy BSC3. The tenure mix of these would be secured in accordance with the policy and guidance outlined above and the standards outlined in the Developer Contributions SPD. This will be secured as a benefit of the scheme through S106 agreement.

Noise, Contamination and Air Quality

9.83. The NPPF advises that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to, or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution or air pollution. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution.

9.84. The application is accompanied by a Noise Impact Assessment which is demonstrates that the required noise levels specified in BS8233:2014 to be achieved. The Council's Environmental Protection Officer has reviewed this and is satisfied that acceptable internal and external noise environments can be achieved on the site subject to detailed mitigation which can be secured by condition. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority which will be ensured by condition.

9.85. In relation to land contamination, the environmental officer has raised no objection to the phase one report and subject to condition, phase two shall be reviewed and assessed at reserved matters stage. No air quality assessment has been submitted alongside the application however the environmental officer has agreed to a condition in the event of planning approval which will secure a detailed air quality impact assessment to identify the impact of the development on local air quality which will be required to give regard to Cherwell District Council Air Quality Action Plan. The condition will ensure no development shall take place until the local planning authority has given written approval that it is satisfied that the impact of the development on air quality has been adequately quantified. The Environmental Protection Officer has raised no comment/objection in relation to odour. In the event that the application is approved, a lighting scheme shall be secured by condition for the approval by the LPA before development commences.

Sustainable Construction and Energy Efficiency

9.86. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met and can be controlled by condition. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. Details of how the buildings will achieve this can be secured through condition.

9.87. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Councils Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given.

Impact on Local Infrastructure

Policy Context

9.88. Policy INF1 of the CLP 2015 states that: *“Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.”*

9.89. Policy BSC11 of the CLP 2015 states that: *“Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in ‘Local Standards of Provision – Outdoor Recreation’. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement.”* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

9.90. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

9.91. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

9.92. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

9.93. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £96,305 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Public Rights of Way of £25,000 to mitigate the impact to the PROW in the vicinity of the site.
- Delivery of a public footway to connect to the existing footway provision at Allextus Avenue via Church Leys Field to enable appropriate pedestrian access to the village.
- Obligation to enter into a S278 agreement to secure:
 1. New site access Blackthorn Road and as shown on drawing 001 Rev P9 with a visibility splay of 2.4m x 120m
 2. New 3m wide footway as shown on drawing 001 Rev P9
 3. Realignment of existing kerblines over a distance of approximately 83m to accommodate shared footway / cycleway as shown on drawing 001 Rev P9.
 4. Relocation of speed limit terminal signs and village entry feature
 5. Provision of the bridleway/cyclepath to link with Bridleway (105/6/20) and details of how this will be facilitated and constructed to adoptable standards.
 6. Street lighting to be agreed in line with the agreed highway boundary.
- £598,266 towards secondary education capacity and £63,144 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
- £44,871 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £7,047 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.

- Monitoring Fee

Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

Conclusion

9.94. The application is not supported by any draft head of terms for a S106 however written confirmation has been received that confirms the applicant is willing to enter into a legal agreement if the application is to be approved and do not contest any of the contributions set out above. Given the address to the S106 in the submission and written confirmation from the agent as noted to agreement of entering into an S106/S278, it is reasonable to expect that the infrastructure required to mitigate the impact of the development would be secured in accordance with Policy INF1 of the CLP 2015. In the event that the application is recommended for approval at Committee, the decision will be subject to the finalisation of the agreed S106/S278.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals will create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the size of the development these are provide moderate positive weight.

Social

10.3. The proposal would provide up to 27 affordable homes which is a matter that carries substantial weight in favour of the proposal. The proposal would also provide bungalows which is recognised as a need within the Ambrosden village. Significant weight is to be afforded to the social benefits of the proposed housing.

10.4. The improvement to the footpaths also carries some positive weight in favour of the proposal as these will benefit existing and proposed residents.

10.5. The proposals would also provide significant social benefit from on site recreation and play facilities which would be at the level expected by policy, as well as a community

woodland and open space. The provision of this would also be of community benefit to existing residents.

- 10.6. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.7. The site of the housing is well screened by existing hedgerow cover and the existing housing to the west. The provision of additional built form within the countryside has been offset by the provision of community woodland and provides a landscape buffer from the Blackthorn Road when entering the village of Ambrosden. The inclusion of the community woodland contributes to the landscape mitigation ensuring the longevity and protection of the village barrier. The development would appropriately integrate satisfactorily within the village of Ambrosden.

- 10.8. Ambrosden benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford. An off-road cycle path links the village with Bicester and the proximity to Bicester, along with the other facilities accessible in the village, is a material consideration which weighs in favour of the proposal.

- 10.9. The proposals commit to the provision of a sustainable construction methods and should be given positive weight.

Negative impacts

- 10.10. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.

- 10.11. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.

- 10.12. The proposal is considered to result in moderate harm to the character and appearance of the area from the urbanisation of the site and result in some harmful visual impacts at a more localised level. It would also result in some harm to the pattern of development and character of the edge of the village. Moderate weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.

- 10.13. The proximity of the site from services and facilities is not ideal, however having regard to the rural context of the site and the relatively good level of services (including public transport) in the village as a whole, this is only considered to carry limited weight against the proposal.

Conclusion

- 10.14. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

10.15. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 75 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 will exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District.

10.16. On the basis of the scale of the proposal and the site's sustainable location the proposal is not considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan and is in accordance with Policy Village 2. In accordance with the NPPF the proposed development is considered to represent sustainable development, the planning benefits of the proposal would not be outweighed by the limited harm identified and planning permission should therefore be granted.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO:

- 1. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- 2. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE INFRASTRUCTURE IDENTIFIED IN APPENDIX 1.**

Cherwell District Council (all contributions will be index linked)

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland. SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP
- Provision of a Local Equipped Area of play and commuted sum for maintenance or details of other management provisions
- £106 per dwelling for bins – WASTE
- Affordable housing provision – 35% (up to 27 units)
- CDC monitoring fee

Oxfordshire County Council

- Public transport contribution of £96,305 equated at £1,133 per dwelling for the provision of bus services in Ambrosden
- Public Rights of Way of £25,000 to mitigate the impact to the PROW in the vicinity of the site.
- Delivery of a public footway to connect to the existing footway provision at Allexus Avenue via Church Leys Field to enable appropriate pedestrian access to the village.
- Obligation to enter into a S278 agreement to secure:
 1. New site access Blackthorn Road and as shown on drawing 001 Rev P9 with a visibility splay of 2.4m x 120m
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 3. Realignment of existing kerbline over a distance of approximately 83m to accommodate shared footway / cycleway as shown on drawing 001 Rev P9.
 4. Relocation of speed limit terminal signs and village entry feature

5. Provision of the bridleway/cyclepath to link with Bridleway (105/6/20) and details of how this will be facilitated and constructed to adoptable standards.

6. Street lighting to be agreed in line with the agreed highway boundary.

- £598,266 towards secondary education capacity and £63,144 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision
- £44,871 towards special school contribution to be spent on expansion of SEN school capacity to ensure adequate SEN provision.
- £7,047 contribution towards expansion and efficiency of Household Waste Recycling Centres as existing facilities at capacity and to provide additional capacity.
- Monitoring Fee

Other

- OCCG group have been consulted and stated that there are significant capacity issues serving the area. They have stated there are insufficient consulting rooms to cope with increased population. They have requested a contribution to support capital projects associated with either local plans for surgery alterations or support patient services (£360 per person – circa 180 people).

CONDITIONS

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of three years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and the following plans and documents: Drawing HLM 034/022 Rev D, HLM 034/002 Rev M, HLM 034/024 Rev E, 21297_SK_T_P4_003 and 001 Rev

P9.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Levels

4. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within the National Planning Policy Framework.

Contamination

5. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

6. If contamination is found by undertaking the work carried out under condition 5, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

7. If remedial works have been identified in condition 6, the development shall not

be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 6. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

Drainage

8. As part of any application for reserved matters relating to layout, a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details. The scheme shall also include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan; • Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and; Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

9. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
- a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;
 - d) The name and contact details of any appointed management company information.

Reason: In order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.

Archaeology

10. Prior to any demolition and the commencement of the development a professional archaeological organisation acceptable to the Local Planning Authority shall prepare an Archaeological Written Scheme of Investigation, relating to the application site area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording of archaeological matters within the site in accordance with Government guidance within the National Planning Policy Framework.

11. Following the approval of the Written Scheme of Investigation referred to in condition 10, and prior to any demolition on the site and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority and approved in writing.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the National Planning Policy Framework.

Environmental Protection

12. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason: To ensure the development provides a good standard of amenity for future residents in accordance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

13. Prior to the commencement of the development hereby permitted a detailed air quality impact assessment to identify the impact of the development on local air quality shall be submitted to and approved in writing by the Local Planning Authority. This shall have regard to the Cherwell District Council Air Quality Action Plan and no development shall take place until the Local Planning Authority has given its written approval that it is satisfied that the impact of the development on air quality has been adequately quantified.

Reason: To ensure the development protects and enhances biodiversity and the natural environment in accordance with the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Natural Environment

14. As part of any reserved matters for layout, an Arboricultural Method Statement (AMS), undertaken in accordance with BS:5837:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS. Details must include:

- A management proposal is created for the groups in order to improve their visual contribution, and longevity, particularly when forming a screen between existing properties and the development.
- Space is afforded to the hedges/groups in order to allow future access for maintenance, and reduce likelihood of both above and below ground impact with proposed dwellings.
- Consideration is given to shading arcs where properties sit to the north of retained trees/hedges.
- A finalised plan to incorporate and improve retained groups/hedges surrounding the residential development, and community woodland/green space area to the north.
- Detailed planting plans for the community woodland/green space.

Reason: To protect the existing trees and hedgerows on site and in the interests of visual amenities of the area to ensure the creation of a pleasant environment for the development and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

15. A scheme for the community woodland shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The scheme shall include the provision of a network of routes and their proposed surface treatment, a planting schedule, programme for implementation and areas of interest for people to dwell, including picnic areas.

The community woodland shall be implemented in accordance with the approved scheme and shall thereafter be retained as such for the lifetime of the development.

Reason: In the interests of biodiversity enhancement and visual amenity in accordance with Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

Highways

16. Prior to the commencement of the development hereby approved, full design details of the means of access between the land and the highway, including, position, layout, construction, drainage, and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to first occupation the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety, to ensure a satisfactory standard of

construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved, full details of the improvements to footpaths including, position, layout, construction, drainage, vision splays and a timetable for the delivery of the improvements shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and public amenity and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to first occupation a Residential Travel Plan and Residential Travel Information Pack should be submitted to the Local Planning Authority for approval.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

19. Prior to commencement of the development hereby approved; a construction traffic management plan shall be submitted to and approved by the Local Planning Authority. The CTMP will need to incorporate the following in detail and throughout development the approved plan must be adhered to

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction. Details of wheel cleaning/wash facilities – to prevent mud etc, in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing to accord with standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.
- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity – details of where these will park, and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot – contact 0845 310 1111. Final correspondence is required to be submitted.

- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Reason: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times and to accord with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

20. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provide in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason - To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Water

21. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason - The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development

Ecology

22. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

23. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to

include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

24. No development shall commence unless and until a Landscape and Ecology Management Plan (LEMP), which shall also cover the construction phase of the development, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out or managed other than in accordance with the approved LEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

25. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Sustainability

26. As part of any submission for reserved matters, full details of a renewable energy strategy for the site in accordance with Policy ESD5 of the Cherwell Local Plan, shall be submitted and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details prior to the first occupation of any building the renewable energy serves.

Reason: To encourage the use of renewable and low carbon energy in accordance with Policy ESD5 of the Cherwell Local Plan 2011-2031 Part 1.

27. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.

28. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

CASE OFFICER: Natasha McCann

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked)	Trigger points	
Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management provisions in accordance with the Policy BSC11 of the CLP	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering). Details of ongoing management company if no commuted sum	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of a Local Area of Play and a Local Equipped Area of play and commuted sum for maintenance or other management provisions	Provision on site. Commuted sum as set out in the Developer Contribution SPD (as updated by annual tendering).	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – Towards enhancement of outdoor sporting provision at Launton playing fields	£2,017.03 per dwelling	To be delegated to officers	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities. Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.
Off-site indoor sports facilities – Towards either enhancement of indoor sports provision at Launton Parish Hall or improvements at Bicester Leisure Centre-	Up to £62,621.01 (based on 75 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD	To be delegated to officers	Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD Directly related – The future occupiers will place additional demand on existing facilities.

			<p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community hall facilities – To be spent on improvements/enhancements/redevelopment of Launton Parish Hall or other community building.	Up to £85,753.10 (based on 75 dwellings). Final calculation to be based on calculation outlined in the Developer Contribution SPD	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will required adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>

<p>Affordable housing provision on site</p>	<p>At least 35% of total number.</p> <p>25% First Homes</p> <p>70% Social/affordable rent</p> <p>-5% Intermediate housing such as shared ownership.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	<p>To be delegated to officers</p>	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
<p>Provision of Landscape and Ecological Management Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement identified in the blue line.</p>	<p>To be provided and managed long term in accordance with the LEMP</p>	<p>To be delegated to officers</p>	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p> <p>Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.</p>

<p>Financial contribution to Oxfordshire Clinical Commissioning Group to support capital projects associated with either plans for surgery alterations/extensions or support patient services to increase capacity</p>	<p>£360 per person generated (from SHMA occupancy) based on final housing mix</p>	<p>To be delegated to officers</p>	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy INF1 and advice in the Developer Contribution SPD</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD and evidence from OCCG based on the final mix of housing and number of occupants.</p>
<p>Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking</p>	<p>To be confirmed</p>	<p>To be delegated to officers</p>	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>
<p>Public transport contribution of £1,133 per dwelling to maintain the operation of the bus service serving Launton</p>	<p>£1,133 per dwelling</p>	<p>To be delegated to officers</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development</p>

Public transport infrastructure contribution of £96,305	£96,305		<p>and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	£25,000		<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Delivery of a public footpath from the new pedestrian overbridge to Station Road and connection to existing PROW network.	New public footpath		<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p>

			<p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ol style="list-style-type: none"> 1. New site access Blackthorn Road and as shown on drawing 001 Rev P9 with a visibility splay of 2.4m x 120m 2. New 3m wide footway as shown on drawing 001 Rev P9 3. Realignment of existing kerblines over a distance of approximately 83m to accommodate shared footway / cycleway as shown on drawing 001 Rev P9. 4. Relocation of speed limit terminal signs and village entry feature 5. Provision of the bridleway/cyclepath to link with Bridleway (105/6/20) and details of how this will be facilitated and constructed to adoptable standards. 	To be delivered on and off site	To be delegated to officers	<p>Necessary to provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p>Directly related. This will provide safe and suitable access to the site and as a result of additional traffic and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

6. Street lighting to be agreed in line with the agreed highway boundary.			
Secondary education capacity contribution and contribution towards secondary school land in Bicester	£598,266 towards secondary education capacity and £63,144 towards secondary school land contribution for secondary school places secondary school places in Bicester to ensure adequate secondary school provision	To be delegated to officers	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special School contribution to be spent on expansion of SEN school capacity	£44,871 (final amount to be based on final housing mix)	To be delegated to officers	<p>Necessary to provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p>

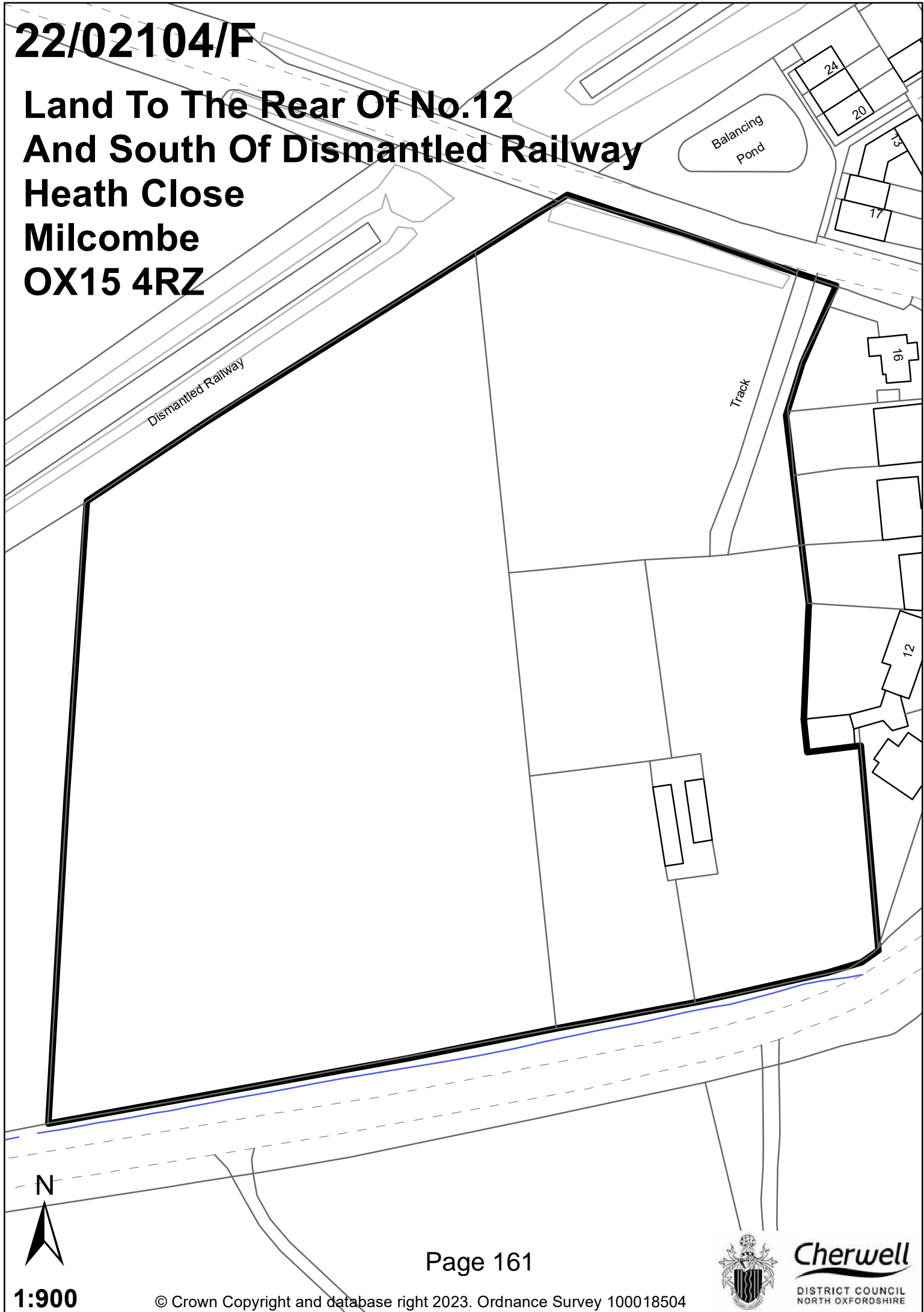
			Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.
Contribution towards expansion and efficiency of Household Waste Recycling Centres.	£7,047	To be delegated to officers	<p>Necessary to provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision based on build costs.</p>

**Land To The Rear Of No.12
And South Of Dismantled Railway
Heath Close
Milcombe
OX15 4RZ**



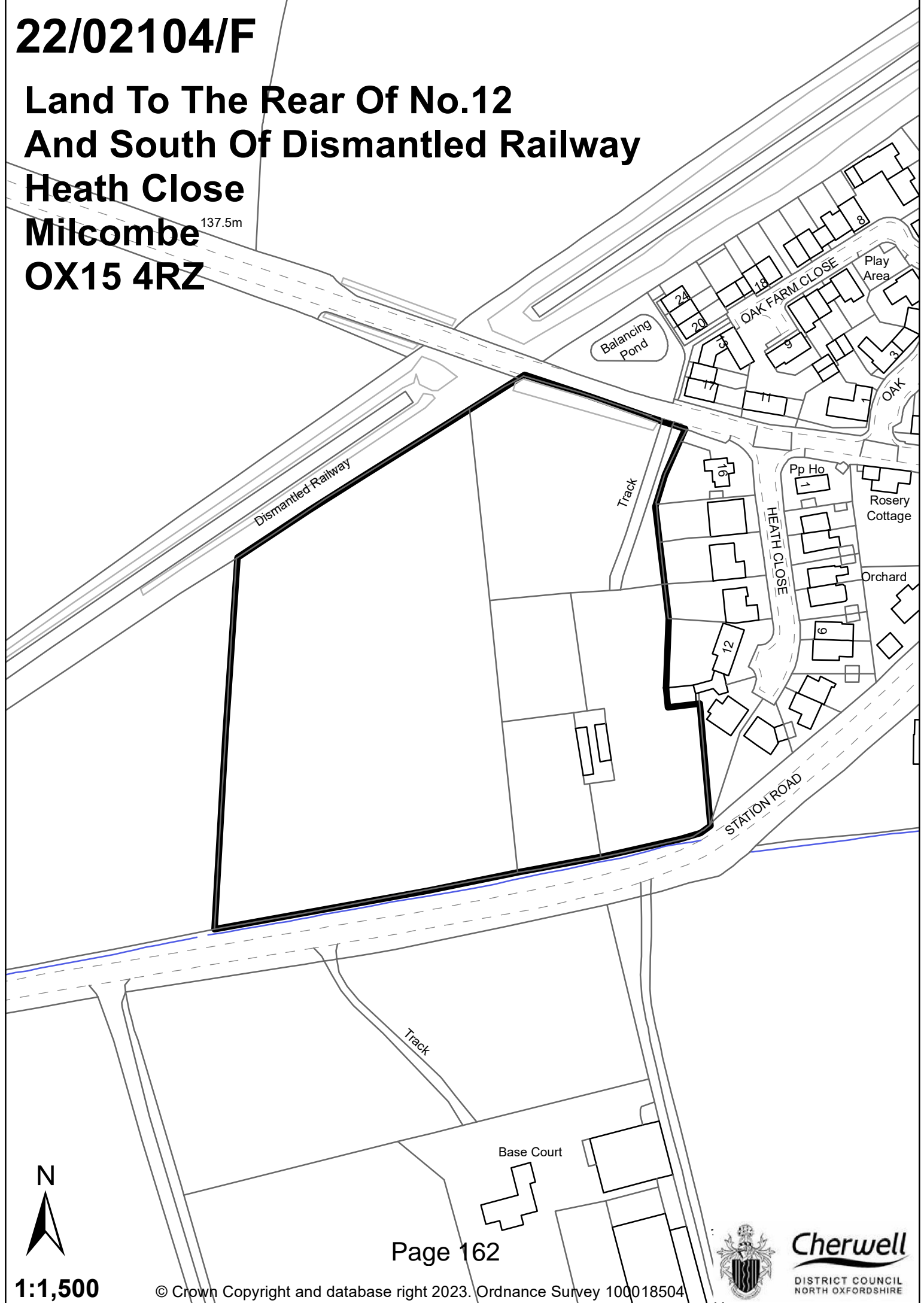
22/02104/F

**Land To The Rear Of No.12
And South Of Dismantled Railway
Heath Close
Milcombe
OX15 4RZ**



22/02104/F

**Land To The Rear Of No.12
And South Of Dismantled Railway
Heath Close
Milcombe ^{137.5m}
OX15 4RZ**



1:1,500

Case Officer: Wayne Campbell

Applicant: Stoic Roofing and Construction and Abbeymill Homes

Proposal: Erection of 35 two storey dwelling houses, construction of access off Rye Hill, together with garaging, parking, open space with LAP, landscaping and all enabling works

Ward: Deddington

Councillors: Councillor Hugo Brown, Councillor Eddie Reeves and Councillor Bryn Williams

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 13 February 2023

Committee Date: 9 February 2023

RECOMMENDATION: REFUSAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is an area of open pasture on the western edge of the village of Milcombe and is currently used for livestock grazing. In terms of area the site measures approximately 2.2Ha and maintains an existing access driveway off Rye Hill Road to the north of the site. The site maintains strong boundaries on all sides with a mix of existing mature, semi-mature landscaping and rear garden fences to existing properties in Heath Close.
- 1.2. The boundary to the north is marked by mature trees and the route of the dismantled railway line. The contours along the northern section of the site along the Rye Hill edge rise to allow a bridge over this dismantled railway route. To the south the boundary to the site is marked by semi-mature landscaping along the edge of Main Road leading to Hook Norton.
- 1.3. To the immediate east the site is bound by the existing residential development of Heath Close. This is a small 1960's cul-de-sac of dwellings of a mix of two-storey and single storey bungalows with access directly off Rye Hill.
- 1.4. Within the site the area is essentially open pasture with a few trees and stable buildings. Views into the site are limited from outside the site other than from the rear bedroom windows of those properties which shared a common boundary along Heath Close.

2. CONSTRAINTS

- 2.1. The application site is positioned beyond the existing built-up limits of the village on the western side and therefore is allocated as an area of open countryside. The site in terms of the development area is essentially flat with Rye Hill to the north rising to bridge the route of the dismantled railway line.
- 2.2. Milcombe is a Category A village, and the site is located in a Conservation Target Area as the Swere Valley and Upper Stour.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. This proposal seeks planning permission for the development of the site for a new housing estate of 35 two-storey dwellings with associated access, open space, landscaping and infrastructure. The proposal would provide a mix of dwellings from detached, semi-detached and terrace form. In terms of size the proposal seeks a mix of dwellings from 2 bedroom through to 5 bedroom accommodation. The density of development at circa 20 dwellings per hectare is relatively low but appropriate for its context given its edge of settlement location. The design and form of the proposed properties are in keeping with the character and plot density of this part of Milcombe.
- 3.2. Access would be maintained off Rye Hill with an improved access junction and a single access road leading through the site. The access road would be framed by properties on both sides and the access will allow for connections with existing pedestrian routes.

4. RELEVANT PLANNING HISTORY

- 4.1. There is no planning history directly relevant to the proposal

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

20/03290/PREAPP: proposed residential development of 47 x no dwellings comprising of detached, semi-detached houses and apartments, public open space (POS) around retained central group of trees plus Local Area of Play (LAP), at land r/o12 Heath Close, Milcombe, and south of the Dismantled Railway. The response was negative in that the site is located outside the built form of the village and within an area of open countryside. Although Milcombe is a Category A village the lack of community facilities means that the village is not a sustainable location for further new housing development. Policy Villages 2 states that in villages a total of 750 dwellings will be provided to support the need for new dwellings in the Cherwell District; however, this figure has now been achieved and as outlined by the Inspectors at Tappers Farm and Sibford Ferris there would be demonstrable harm from exceeding delivery of 750 dwellings at Category A villages within the plan period.

For these reasons it is considered that the development of this site would conflict with the adopted policies in the Local Plan. It is therefore considered that the principle of this development is unacceptable, and that this harm outweighs the lack of a five year housing land supply and the benefits that the proposal would bring in terms of additional housing including affordable housing.

22/00382/PREAPP: proposed residential development of 18 x 2 storey dwellings (including affordable) with new access garaging parking and landscaping. This pre-app followed recent appeal decision for residential development in Hook Norton which was allowed by the Planning Inspectorate. In taking this recent appeal decision into account it was decided that while the site is on the edge of Milcombe, a Category A village, and therefore development supported in principle by Policy Villages 2, the Council's housing land supply position means that reduced weight is given to housing policies in the Development Plan, and the presumption in favour of sustainable development applies. The site fails some of the criteria of PV2, including

that it would not be well located to services and facilities, meaning future occupiers would have to travel for most services, and would not have a realistic choice of travel means. The site is therefore an environmentally unsustainable location for development of this scale. In addition, the AMR 2021 highlights that the delivery of developments under PV2 at Category 'A' settlements over the plan period is now at a position where the total number of housing completions and the number of dwellings permitted at sites where development has commenced has exceeded 750 dwellings.

In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

Significant weight is attached to the proposal's conflict with the Council's housing strategy. If the Council had been able to demonstrate a 5 year housing land supply this policy conflict would have carried greater weight. Significant weight is attached to the impact of the proposed development, through its scale, on the character of the village. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF

Notwithstanding the conflict with Policies in terms of benefits, significant weight is attached to the provision of additional market houses, and very significant weight is attached to the provision of additional affordable houses through this development. Significant weight is also attached to the proposal's economic benefits through local construction jobs although this benefit would be limited in time to the development's construction.

Overall, it is considered that at this time, given the Council's current housing land supply position, the scale of the proposed development, and that Milcombe benefits from a convenience store in addition to a public house, the conflict with the Council's housing strategy and the impact on the character and appearance of the countryside through the development of greenfield land would, on balance, not outweigh the proposal's benefits. Therefore, a future application for this quantum of development in this location would be considered favourably while the Council's housing land supply position remains as it is.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **29 September 2022**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:

- Principle of development - Development should be on a brown field site not open green field; loss of green field space; Agricultural land should not be built on; Question the need for this development and additional housing; Site is not within a sustainable location in terms of access to many amenities as suggested by the applicant
- Design/Layout - Question the design of the dwellings to be a mix of stone and red brick; Concerned that the element of affordable housing is not integrated into the overall site but allocated an area within the development; Question the position of the affordable housing close to the boundaries with existing dwellings in Heath Close
- Adverse impact on heritage assets on and surrounding the site
- Development would result in an adverse impact on the local landscape character, entire site is within the area of the Swere and Upper Stour CTA, and the adjacent railway track is an area that is protected under NERC S41.
- Impact on infrastructure - More development in the village which has no services / amenities; schools are at capacity
- Impact on highway safety - Question whether Rye Hill and surrounding area can cope with much more building work and associated heavy vehicle traffic; concern over highway safety due to access point onto Rye Hill and speed of traffic using Rye Hill
- Impact on drainage - Site area known to be marshy and wet with areas of pooling water following heavy rain and drainage of the site is poor; Concern over surface water and foul water drainage throughout the village, development will make this worse
- Adverse impact on local ecology such as Great Crested Newts

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. MILCOMBE PARISH COUNCIL: **No objection subject to changes.** *location to the LAP unacceptable alongside major road with no hedging to protect it.* Question details of the revised drainage report as site known to be wet, marshy and prone to flooding. Ongoing maintenance of drainage and planting needs to be tied to a legal requirement for this work to be completed, in the form of planning conditions. *Concerned that the development needs to ensure that the nature needs of great crested newts, hedgehogs, bats and birds are taken into consideration.*

7.3. Do not agree to use of red brick which is out of character to village as a whole, a lighter coloured brick more in keeping with the surrounding houses in Heath Close and Oak Farm phase 1. Prefer slightly fewer trees planted within the road access areas and tree outside No 32 which should be changed to a parking space. Remove external footpath extending as far as Heath Close. No 34 does not have any access

from the back garden for the removal of waste bins, etc. all houses should have rear access to the back gardens.

- 7.4. *Would like to see traffic calming measures to control the speed of traffic coming down Rye Hill. There are the ongoing issues with width of the road between the Horse and Groom pub which is aggravated by the vehicles that park there. Concern regarding additional traffic strain that this development will put on an already overloaded main road through the village.*

OTHER CONSULTEES

- 7.5. OCC HIGHWAYS: **No objection** following amended details and subject to S106 contributions, an obligation to enter into a S278 agreement, planning conditions, and informative.
- 7.6. OCC ARCHAEOLOGY: **Comment.** In accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), we would therefore recommend that, prior to the determination of any planning application for this site the applicant should therefore be responsible for the implementation of an archaeological field evaluation
- 7.7. LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objection** following receipt of amended details and subject to conditions
- 7.8. OCC EDUCATION: **No objections** subject to S106 contribution towards primary education and special education needs
- 7.9. CDC Land Drainage: **No objections**
- 7.10. THAMES WATER: **No objection** subject to conditions
- 7.11. ENVIRONMENT AGENCY: **No comments** to make
- 7.12. CDC ENVIRONMENTAL PROTECTION OFFICER: **No objections** subject to conditions
- 7.13. CDC ARBORICULTURAL OFFICER: **No objection** subject to conditions
- 7.14. BERKSHIRE, BUCKINGHAMSHIRE AND OXFORDSHIRE WILDLIFE TRUST (BBOWT): **Objection.** Application does not provide adequate evidence of a net gain in biodiversity and does not provide evidence that it will help achieve the aims of the Conservation Target Area.

Officer Comment: Following receipt of amended ecology report and a biodiversity enhancement scheme BBOT were reconsulted, but no further comments were received. The comments / objection therefore relates to the initial report and not the additional information.

- 7.15. CDC ECOLOGY: **Comment.** Following submission of amended information in the form of a Biodiversity Impact Assessment which shows that a net gain for biodiversity on site is possible and this is acceptable. This should form part of a full LEMP showing how the various created and enhanced habitats will be managed ongoing to ensure the conditions proposed are met with finalised landscape plans.
- 7.16. NATURE SPACE: **No objections** subject to conditions
- 7.17. CRIME PREVENTION DESIGN ADVISOR – THAMES VALLEY POLICE: **Objection.** Request a number of design changes to the site and further information requested.

- 7.18. CDC RECREATION & LEISURE: **No objections** subject to S106
- 7.19. BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE WEST INTEGRATED CARE BOARD: **No objections** subject to S106 contribution.
- 7.20. CDC STRATEGIC HOUSING OFFICER: No comments received.
- 7.21. CDC LANDSCAPE OFFICER: No comments received

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 (CLP 2015) was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4: Housing Mix
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision – Outdoor Recreation
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution

- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Developer Contributions SPD (February 2018)
- Infrastructure Delivery Plan (IDP) Update (December 2017)
- Countryside Design Summary (1998)
- Cherwell Design Guide SPD (July 2018)
- Oxfordshire Wildlife & Landscape Study 2004
- Annual Monitoring Report (AMR) (December 2021)
- Annual Monitoring Report (2022 AMR) (February 2023)
- Oxfordshire County Council: Local Transport Plan 4 (2015-2031)
- Cherwell District Council Housing & Economic Land Availability Assessment (February 2018)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Highway impact
- Residential amenity
- Drainage
- Heritage
- Ecology impact
- Sustainability
- S106

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise

Development Plan

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.

- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable

development. It states, *'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'*.

- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, *'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'*.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031.
- 9.7. Paragraph E.10 of the Plan states, *'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'*.
- 9.8. Paragraph E.19 of the Local Plan states, *"If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability"*.
- 9.9. The Council's latest assessment of housing land availability is its 'HELAA' published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site was reviewed in the HELAA as site reference HELAA184. The accompanying HELAA report confirmed that this site is potentially suitable for residential development if the Council requires additional development land outside the built-up area of Milcombe. The site could accommodate 55 dwellings based on 25 dph on 2.2 ha which takes into account the density of the surrounding developments. The site is well screened when approaching the village from the west due to mature trees and hedges along the dismantled railway line.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Milcombe is a Category A village.
- 9.11. Policy Villages 2 of the CLP 2015 states, *'A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014'*. This Policy notes, *'Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission'*.
- 9.12. Policy Villages 2 states that in identifying and considering sites, particular regard will be given to the following criteria:

- i. *'Whether the land has been previously developed land or is of less environmental value';*
- ii. *'Whether significant adverse impact on heritage and wildlife assets could be avoided';*
- iii. *'Whether development would contribute in enhancing the built environment';*
- iv. *'Whether best and most versatile agricultural land could be avoided';*
- v. *'Whether significant adverse landscape and visual impacts could be avoided';*
- vi. *'Whether satisfactory vehicular and pedestrian access/egress could be provided';*
- vii. *'Whether the site is well located to services and facilities';*
- viii. *'Whether necessary infrastructure could be provided';*
- ix. *'Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period';*
- x. *'Whether land the subject of an application for planning permission could be delivered within the next five years';*
- xi. *'Whether development would have an adverse impact on flood risk'.*

National Planning Policy Framework

9.13. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

9.14. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

9.15. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed;
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

9.16. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.

- 9.17. Paragraph 12 advises, *'The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.'*
- 9.18. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, *'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay'*.
- 9.19. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).

Housing Land Supply

- 9.20. Cherwell's housing land supply as reported in the Council's 2021 Annual Monitoring Report (AMR) concluded that the District had a 3.5 year supply for the next five year period 2022-2027 commencing on the 1 April 2022. This is reviewed annually and currently the housing land supply position is calculated as 5.4 year supply of housing for the period 2022-2027.
- 9.21. This updated figure is contained within the Agenda to the Council's Executive meeting on 6 February. This is largely the result of applying the standard method housing need figure of 742 homes per year from 2022 rather than the Local Plan figure of 1,142 from 2011. The paper states at paragraph 3.26, *'... economic conditions are challenging, and it is important that officers continue to seek Local Plan compliant housing delivery to maintain supply and deliver the district's planned development. Having a year land supply position does not mean that development allowed for the Local Plan should halt. Indeed, not progressing planning development considered to be acceptable could undermine the land supply position.'*
- 9.22. In addition, the 2022 AMR is also being presented to the Executive meeting on the 6 February 2022, within which it is confirmed that, *"during the 2021/22 there were 184 dwellings completed at Category A Villages that contribute to the Policy Villages 2 requirement of 750 dwellings. Since 2014 there has now been a total of 703 completions with a further 165 under construction totalling 868 dwellings. A further 48 dwellings are likely to be built out..."*

Assessment

- 9.23. This assessment has been made on the basis that Cherwell District Council shall be able to demonstrate a five-year supply of deliverable housing sites subject to the executive meeting on the 6 February. In the event that the Executive does not agree to the revised five-year housing land supply the planning balance of this proposal may change. The presumption in favour of sustainable development, as advised by the NPPF, will need to be applied in this context.
- 9.24. This application seeks planning permission for the development of a paddock for a scheme of 35 dwellings. The site is an undeveloped green field site that, given its physical and visual relationship to the existing built form, is outside of the existing built form of Milcombe village and therefore within the countryside. The proposal to build on greenfield land would have an urbanising impact, though that impact would be relatively localised. The site is bounded by existing residential properties to the east and mature landscaping to the north, south and the route of the dismantled railway with its mature landscaping buffer acting as a significant western boundary.
- 9.25. Milcombe is identified in the Local Plan as a sustainable location for meeting defined housing requirements – one of 23 Category A villages intended to provide 750 homes from 2014 to 2031 (Policy Villages 2). The Local Plan reached that conclusion having undertaken a comparative assessment and categorisation of all the district's villages. Milcombe is one of the least served category A Villages and has only a small number of services and facilities.
- 9.26. Whereas the 2021 AMR reported that 519 dwellings had been completed at Category A villages since March 2014, with a further 230 under construction (running total **749**) and approvals for a further 319 not yet commenced (running total 1068), the 2022 AMR reports that 703 dwellings have now been completed at Category A villages, with a further 165 under construction (running total **868**) and 48 likely to be built out i.e. sites where part of the development has been completed (running total 916). In addition, there are approvals for a further 314 not yet commenced (running total 1230).
- 9.27. It is understood that development should, as a result of meeting the target of 750 houses, be focussed in Banbury and Bicester and that there should be a presumption against development in/around Category A villages unless there are benefits to the scheme, beyond that which would normally result from a S106. However, in the context of Policy BSC1 and the need to meet the overall district requirements by 2031, regard is given to the planning Inspector's comments under appeal decision APP/C3105/W/19/3228169 on Land at Merton Road, Ambrosden, OX25 2NP in relation to spatial dimension.
- 9.28. The Inspector commented that Policy Villages 2 does not contain any temporal dimension (i.e. at what point in time in the plan period housing in the rural areas should be permitted) nor does it have a spatial dimension (i.e. it does not specify how much development should occur at each settlement). These matters are to be considered on their own merits having regard to any planning harm that arises. Related to the Ambrosden Inspector's comment on spatial dimension, given that appeals have been dismissed at some of the smaller Category A villages on the grounds of locational sustainability it falls that the larger Category A villages would be expected to accommodate a greater share of the 750 than if equalised out over all 23 Category A villages. This is support by Policies PSD1 CLP 2015.

9.29. In addition, the Tappers Farm (Bodicote) 2019 appeal decision (which applied the same logic as the Launton appeal decision a year earlier) provides a useful steer as to how the decision taker should apply PV2. At the time of the Tappers Farm decision, 271 dwellings had been delivered at Category A villages under PV2, with a further 425 under construction, and an annual delivery rate of 54 dwellings per year from PV2, which would have resulted in the delivery of 750 homes by 2028. The Tappers Farm Inspector stated,

“There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised.”

9.30. As noted above, 703 dwellings have now been delivered at Category A villages under PV2 and a further 213 dwellings are under construction across 10 different sites. The delivery rate in 2021-2 was 184 dwellings, the average annual delivery rate having risen to 78 dwellings per year and 134 dwellings per year over the last 4 years. It is reasonable to expect all of these 213 dwellings to be delivered – there are none so far in the plan period at Category A villages that once commenced have not been completed – and therefore the total number of dwellings delivered under PV2 will exceed the total of 750 set out in the policy.

9.31. Applying the conclusions of the Launton and Tappers Farm inspectors, it is considered that that point has been reached where planning harm would be caused to the overall locational strategy of new housing in the district through further permissions at unsustainable locations.

9.32. In determining whether the application site is acceptable there is a need to apply the site criteria within Policy Villages 2. The assessment in the 2018 HELAA is also material, albeit of limited weight (given the purpose of this document). The earlier decisions on the site and the planning appeals within the district including the appeal at Blackthorn Road in Launton (17/01173/OUT), Land North of Merton Road, Ambrosden (18/02056/OUT) and OS Parcel 2778 Grange Farm North West of Station Cottage, Launton (21/04112/OUT) are also material considerations.

Policy Villages 2 Criteria

9.33. The applicable criteria of Policy Villages 2 are provided at paragraph 9.12 above. The land has not previously been developed. The site is not within a designated landscape and does not have any statutory or local environmental designations so could be said to be of lesser environmental value. The Natural England maps appear to show the land as poor quality and therefore the site is not concluded to be the best or most versatile land.

9.34. In this instance, whilst the site is adjacent to a Category A village, other than a convenience store and a public house Milcombe is not well located to services and facilities, meaning future occupiers would have to travel for most services, and would not have a realistic choice of travel means. The site is therefore a moderately environmentally unsustainable location for development of this scale. Future occupiers of the proposed dwellings would have to travel to other settlements to

meet their day-to-day needs, would be reliant on private car to access most services and would not have a realistic choice of travel means.

- 9.35. Whilst there are benefits of the additional housing including the provision of affordable housing in the area, and the site is relatively visually contained (see later in this report) with the consequent impact on the setting of the village, and regard is had to the relative size of the development proposed and to the positive conclusions of the 2018 HELAA, it is considered that the conflict with the Council's housing strategy, the site's poor sustainability credentials and the impact on the character and appearance of the countryside through the development of greenfield land would outweigh the proposal's benefits.

Concluision

- 9.36. The latest housing supply figure for the district is calculated at 5.4 years. Whilst the NPPF states the requirement to have a 5 year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight. In this case it is considered that the planning harm identified above would significantly and demonstrably outweigh the proposal's benefits and the proposed development would be unacceptable in principle.
- 9.37. The meeting of the Executive takes place on the 6th February 2023, confirmation of the decision on the housing land supply figure or should there be any change to the calculation of the five year housing land supply figure as a result of the decisions made at that meeting, will be contained in the written update to planning committee.

DESIGN AND IMPACT ON THE CHARACTER OF THE AREA

Policy

- 9.38. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that *would complement and enhance the character of its context through sensitive siting, layout and high-quality design meeting high design standards and complementing any nearby heritage assets.*
- 9.39. BSC2 of the CLP 2015 states that *new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.* The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.
- 9.40. Saved Policies C28 and C30 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context. New housing development should be compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.
- 9.41. Section 12 of the NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Paragraph 130 of the NPPF states that planning decisions should ensure that developments:
- *will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*

- *are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- *are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change*

9.42. With regards to this current proposal, it is confirmed that the density of the development is at 20 dwellings per hectare which although lower than the requirements of Policy BSC2 is more a line to the density of the adjoining residential development to the east and hence more in character to the site surroundings.

Assessment

9.43. The layout of the proposal shows a single access road leading into the site with dwellings on either side fronting onto the access road. With the dwellings fronting onto the estate road the development is shown as a perimeter block design which allows for defensible space to the scheme and provide an appropriate layout form.

9.44. Concerns have been raised by the Crime Prevention Officer at Thames Valley Police regarding the design / layout of the site. Key concerns raised include the lack of gates to access routes to the rear / side of dwellings on the site along with the concern that no information is provided in terms of boundary treatment to the dwellings.

9.45. The submitted layout plan does show some gates to the rear access routes and this could be improved with the introduction of gates as the entrance to the few access routes serving the rear of some of the dwellings. In addition, although showing an indication of the boundary lines between the various plots the layout plan does not show the type of boundary treatment to be used in the development. However, this type of detail could be secured by a condition attached to any permission given.

9.46. In terms of house design the development would be all two-storey high dwellings with a mix of detached, semi-detached and terrace form. The proposals would provide an acceptable and high standard of street scene within the site and would follow the height level of the adjoining residential development in Heath Close to the east as well as the relatively new residential development to the north known as Oak Farm Drive.

9.47. With regards to facing materials, ironstone is proposed for parts of the development, namely at the entrance and along parts of the main access road and brick is proposed for the remainder of the development. The distribution is not appropriate, e.g. pepper potting of materials. Several of the dwellings are proposed in split materials, i.e. a mix of stone and brick. The Cherwell Residential Design Guide seeks a greater proportion (60%) of ironstone than is shown here and states that split materials are not acceptable. Again, these changes can be secured by a condition of any permission given.

9.48. The applicant suggests that the brick would be red brick to follow the material, palette used on the new development to the north. The Parish Council has raised concern over this approach commenting that the red brick is not characteristic of Milcombe other than on the new development opposite this site. The Parish Council would prefer to see a lighter brick along with the ironstone which would reflect the lighter style of materials used in Milcombe. Although it is accepted that red brick is limited in terms of its presence in the village and namely on the new development opposite the use of a pale brick alongside that of the ironstone could prove difficult to achieve in a satisfactory way across the site and local bricks are generally a

strong red. Notwithstanding, facing materials would be secured by a condition attached to any permission for this development.

9.49. Due to the scale of the development the scheme would need to provide a play area in the form of a LAP as required under Policy BSC11 of the 2015 CLP. Under the proposals submitted in October 2022, the layout provides for a LAP at the entrance to the site in addition to the retention of the group of mature trees in the central / eastern edge of the site. Concern on this location for the LAP had been expressed by the Parish Council as well as the Crime Prevention Officer – Thames Valley Police. Both raised a concern that the proposed LAP located at the entrance to the site was too close to a major road and hence a safety concern. As an alternative the Parish Council suggested that the LAP should be located in the central part of the site although this would be a concern to the crime prevention officer in that this would locate the LAP close to new dwellings and hence result in a disturbance to the residents.

9.50. Officers agree with the Parish Council and TVP that a central LAP location would be better for the development and although initial concerns had been expressed on the tight nature of the LAP with the internal roads, the applicant has moved plots to allow a larger area in the centre of the site to allow for the LAP to be located as requested by the Parish Council.

9.51. The concerns expressed by the Crime Prevention Officer are acknowledged. However, the location of the LAP would be self-policed by the plots fronting onto the area of the LAP and hence reduce the potential for problems to the local residents whose children would benefit from the facility. The additional area of open space to the rear of the mature trees in the central / part of the site would also allow for play space. For these reasons it is considered that the level of open space / play area is in accordance with the adopted policy.

HIGHWAYS IMPACT

9.52. Paragraph 110 of the NPPF states that in assessing specific applications for development, it should be ensured that:

- a) *appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users; and*
- c) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.*

9.53. In addition paragraph 111 highlights that *development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*

9.54. This application seeks to retain an access point off Rye Hill although in a different / improved form via a new priority 'T' junction. Following on from onsite traffic surveys revised visibility splays of 2.4m x 167m would be provided to the left and 2.4m x 48.4m to the right as required on egress from the site and all in line with Manual for Streets (MfS) guidance and the Design Manual for Roads and Bridges. In addition to this and as outlined in the paragraphs above, subject to a Traffic Regulation Order the change in speed limit currently located along the site's frontage would be relocated to the west of the site in order to keep reduced speeds on approach to the

village. All of which would help with the highway safety of the development and the revised access arrangements into the site.

- 9.55. Once within the site for the first 152m into the site (from the site access to dwelling 25 and 33) the main access road comprises a 5.5m wide carriageway with 2m wide segregated footways either side. After 152m, the main road provides turning heads for vehicles and access to dwellings 25 and 33. Beyond the main access road, shared surfaces provide access to dwellings 19-24, 34-35, associated car parking and a waste collection point (serves dwelling 19-24). After the first 94m into the site the access to the remaining dwellings would be provided via a junction off the main access road and the access road reduces to 5m but maintains 2m footways. Beyond the access road, the dwellings would be served by shared surfaces providing access.
- 9.56. The traffic statement submitted with the application highlights that the development is expected to generate relatively moderate levels of traffic at peak times and over the course of the day. Clearly the development would generate a greater level of traffic than the current arrangement, which only serves the site as a paddock, the associated stables and the rear access one of the dwellings in Heath Close. Notwithstanding this, in assessing the impact of the development in terms of traffic the transport statement highlights that, once distributed onto the wider highway network, the impact of the estimated development generated trips would be imperceptible.
- 9.57. Overall, officers agree that the residual cumulative impact of the development on the highway network is not considered to be severe in the context of paragraph 111 of the NPPF. This reflects the advice of the Local Highway Authority, which has raised no objections to the scheme from a highway safety point of view following receipt of further information.

RESIDENTIAL AMENITY

- 9.58. Saved Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states amongst other things that, *new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space.*
- 9.59. In this particular instance the eastern boundary to the site is marked by the rear gardens of the existing properties in Heath Close. The design of the proposal allows for the new dwellings to back onto these existing properties with new gardens and the separation distances between the new and existing exceed the requirements of the Cherwell Residential Design Guide. This would ensure that any loss of privacy, loss of outlook and / or light is kept to a minimum.
- 9.60. In terms of within the development itself, the separation distances and plot to plot relationships are generally acceptable. There would be some overlooking of Plot 14 by Plot 6, and some of overlooking from Plots 15 to Plot 30 and in these cases tree planting would be necessary to mitigate the impact. The separation distance between Plots 19-24 and Plots 27-30 is acceptable but in these cases and others permitted development rights would need to be removed in order for future living conditions to be safeguarded. In the case of Plot 25 to Plot 26 the separation distance is substandard and the southern gable end of Plot 26 would need to be blank whereas it currently contains a first floor window. This would need to be addressed through the relocation of the window to the eastern elevation of the gable (which would also provide additional street surveillance).

9.61. Given the above, it is considered that subject to amendments potentially secured through conditions of any permission given the development would be made acceptable in terms of residential amenity, both for existing residents neighbouring the site and future occupiers.

DRAINAGE

9.62. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 163 of the NPPF states that *when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*
- e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.*

9.63. Paragraph 165 of the NPPF continues by stating that *major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) take account of advice from the lead local flood authority;*
- b) have appropriate proposed minimum operational standards;*
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) where possible, provide multifunctional benefits.*

9.64. Turning to the Development Plan, Policy ESD6 of the CLP 2015 essentially replicates national policy in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.

9.65. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

9.66. The current situation is that the site is located within a flood zone 1 which is land which has less than 1 in 1,000 annual probability of river flooding. Notwithstanding this, concern has been expressed by the Parish Council and some residents that the site is prone to flooding during periods of heavy rain. In support of this a number of photos of the site with areas of surface water have also been provided. Upon viewing the site following heavy rain officers note that there are areas of the site

which become waterlogged, and this is also supported by the Environment Agency mapping showing that the eastern edge of the site is prone to medium flooding from surface water.

- 9.67. In response to this issue the applicant has advised in the flood risk assessment that, providing the levels are set to avoid low-lying areas and an effective drainage system is provided for the proposed development, the flood risk from surface water would be reduced to very low for the entire site area. In extreme storm events, exceeding the design storm event for the surface water drainage system, the site may experience flooding for short periods of time. The site levels would be set to direct water away from the buildings, reducing further the flood risk from surface water.
- 9.68. With regards to the drainage system across the site the applicant has confirmed that the site currently discharges greenfield run-off rates and volumes to the local ditch that runs alongside its south boundary. Therefore, a drainage system can be designed to discharge greenfield run-off rates from the site to the ditch, mimicking existing conditions. The site owner is also the riparian owner and therefore owns the land up to the centre of the ditch. As such, access to the ditch for the proposed works is available and no consent is needed to discharge into the ditch. The SUDS can be used for surface water storage and the development proposals suggest that permeable pavements and swales can be accommodated on site.
- 9.69. The proposed roads would be adopted and would be designed to adoptable standards and surface water from the roads would discharge to the proposed SUDS. The opportunity of utilising a pond or deep swale on site was assessed and the topography of the site shows that the pond can be located in the south and the proposed site layout shows that the southwest part of the site would be the preferred location. However, preliminary calculation shows that the pond must be 1.5m deep below the lowest invert level. This means that the pond would be excessively deep with steep banks due to the limited available space on site. Therefore, a below ground attenuation tank has been considered instead, while a swale is provided to accommodate overflows during exceedance and located along the western edge of the site close to the route of the dismantled railway line.
- 9.70. Following an initial objection to the scheme from the LLFA, the applicant has revised the drainage details with a detailed drainage strategy within which the applicant has confirmed that a SuDS scheme would be incorporated into the drainage of the site. This would ensure that the development would not result in any flooding of the site nor any flood risk to adjoining land parcels within the area. The LLFA has considered the revised details and confirmed no objections subject to conditions. For this reason, it is considered that the drainage of the site is acceptable and not a reason to refuse the application.

HERITAGE

- 9.71. Section 66(1) of the Planning (Listed Building & Conservation Areas) Act 1990 states that in granting planning permission for development which affects a listed building or its setting, a Local Planning Authority must have 'special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 9.72. Paragraph 199 of the NPPF directs that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to

substantial harm, total loss or less than substantial harm to its significance. Policy ESD15 of the CLP 2015 echoes this guidance.

- 9.73. Although the site is not recorded as being within a Conservation Area nor adjoining a listed building, the County Archaeologist has requested that in accordance with the National Planning Policy Framework (NPPF 2021, paragraph 189), prior to the determination of any planning application for this site the applicant should be responsible for the implementation of an archaeological field evaluation, on the basis of the submitted archaeological desk-based assessment which has outlined the archaeological potential of the site. The site lies in an area of archaeological interest and potential, located within proximity of a deserted medieval village (PRN 10785). Archaeological investigations immediately north of the proposal site recorded medieval settlement evidence (EOX 3129), and a further archaeological evaluation 100m northeast of the proposal site recorded a number of ditches which are likely field boundaries (EOX 6081). This settlement and agricultural activity could likely continue into the development area, and historic mapping has shown that the site has remained undeveloped, suggesting any archaeological remains could survive on the site.
- 9.74. In response to this request the applicant has confirmed that trench work on the site in accordance with the details outlined by the County Archaeologist would commence before the end of January. Works would have taken place earlier but due to existing commitments and poor weather conditions the that work could not take place until the time confirmed by the applicant. Although the County Archaeologist is looking for the trenching work to be provided before a decision is made on this application, the applicant is content that no decision on this application will be issued until the report is received by the LPA and the County Archaeologist has confirmed no objections or changes required.

ECOLOGY IMPACT

Legislative context

- 9.75. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.76. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.77. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.78. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.79. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

9.80. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

9.81. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.82. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.83. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.84. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.
- 9.85. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.86. The Planning Practice Guidance dated 2014 postdates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities (LPAs) should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.87. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.88. This application is supported by a detailed ecology assessment as well as a further Biodiversity Net Gain Assessment together with supporting details and calculations of a net gain in biodiversity across the site. The ecology assessment highlights that the semi-improved grassland of the site is generally species-poor though contains populations of plants such as cuckooflower and field woodrush that are associated with more diverse grassland communities such as lowland meadows. Other habitats include small areas of amenity grassland, ruderal vegetation and planted trees and shrubs, with hawthorn dominated scrub on the north and west edges. An overgrown hedgerow along the south boundary is also dominated by hawthorn but contains other shrubs at low frequency and a small number of mostly semi-mature ash and oak standards.
- 9.89. The ecology assessment confirms that there was no evidence of bats in the existing stable and garage buildings on the site and had negligible potential to support roosting bats with few potential roosting opportunities due to their flat roofs and the timber construction of the stables. The report also confirmed that no evidence of nesting birds was found in the buildings, but a check for nesting birds will need to be undertaken prior to demolition work commencing and the clearance of any woody vegetation, which should ideally avoid the bird nesting season. In addition to this the report also advised that there was no evidence of badgers was found, and no reptiles and amphibians were recorded. The horse grazed grassland of the site

would provide relatively poor terrestrial habitat for reptiles and amphibians, though the adjacent woodland and scrub could support these species. The site is on the boundary of red and amber impact zones for great crested newts identified as part of the South Midlands District Licensing Scheme, which means great crested newts are likely to be present in the area, though there are no records within 500m of the site.

- 9.90. Turning to the Biodiversity Net Gain Assessment, the calculations show that the development would ensure that across the site there would be a net gain in terms of biodiversity. This includes a 11.69% gain in terms of habitat and a 55.34% gain in terms of hedgerow habitat. In considering this information the Council's Ecology Officer has confirmed that the site can provide a net gain in biodiversity which is considered acceptable and should be captured by a condition. Members will note that there is still outstanding objection from Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust; further consultation was carried out following receipt of the amended ecology information but no further comments were received. It is considered that based upon the confirmation from the Council's own Ecology Officer that the details provided are acceptable ensures that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged

SUSTAINABLE CONSTRUCTION

- 9.91. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 150 states that new development should be planned for in ways that: *a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.* Paragraph 151 continues by stating, amongst other things, that *in order to help increase the use and supply of renewable and low carbon energy and heat, plans should: c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.*

Development Plan

- 9.92. Policy ESD1 of the CLP 2015 covers the issue of Mitigating and Adapting to Climate Change and includes criteria under which application for new development will be considered. Included in the criteria is the requirement that development will incorporate suitable adaptation measures to ensure that development is more resilient to climate change impacts. These requirements will include the consideration of, *taking into account the known physical and environmental constraints when identifying locations for development. Demonstration of design approaches that are resilient to climate change impacts including the use of passive solar design for heating and cooling. Minimising the risk of flooding and making use of sustainable drainage methods and reducing the effects of development on the microclimate (through the provision of green infrastructure including open space and water, planting, and green roofs).*
- 9.93. With regards to Policy ESD 2, this covers the area of Energy Hierarchy and Allowable Solutions. This policy seeks to achieve carbon emissions reductions, where the Council will promote an 'energy hierarchy' as follows: *Reducing energy use, in particular by the use of sustainable design and construction measures.*

Supplying energy efficiently and giving priority to decentralised energy supply. Making use of renewable energy Making use of allowable solutions. Any new development will be expected to take these points into account and address the energy needs of the development.

- 9.94. Policy ESD 3 covers the issue of Sustainable Construction and states amongst other things that *all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. The Policy continues by stating that Cherwell District is in an area of water stress and as such the Council will seek a higher level of water efficiency than required in the Building Regulations, with developments achieving a limit of 110 litres/person/day. The Policy continues by stating that all development proposals will be encouraged to reflect high quality design and high environmental standards, demonstrating sustainable construction methods including but not limited to: Minimising both energy demands and energy loss. Maximising passive solar lighting and natural ventilation. Maximising resource efficiency Incorporating the use of recycled and energy efficient materials. Incorporating the use of locally sourced building materials. Reducing waste and pollution and making adequate provision for the recycling of waste. Making use of sustainable drainage methods. Reducing the impact on the external environment and maximising opportunities for cooling and shading (by the provision of open space and water, planting, and green roofs, for example); and making use of the embodied energy within buildings wherever possible and re-using materials where proposals involve demolition or redevelopment.*

Assessment

- 9.95. This application is supported by a detailed energy and sustainability report. This report confirms that the development proposed will adopt the following key features:
- Fabric specification improved significantly from Part L 2013 standards in order to achieve the new Part L 2021 requirements;
 - Responsible sourcing of materials and disposal of construction waste;
 - 100% low energy light fittings;
 - Provision of Air Source Heat Pumps to all dwellings;
 - Use of Waste Water Heat Recovery to reduce energy demand and Carbon emissions;
 - The provision of connection points for EV charging points to all parking spaces adjacent to a dwelling;
 - Potable water use designed to be 110 litres per person per day, equivalent to Code for Sustainable Homes level 4.

- 9.96. The details submitted are considered to comply with the requirements of the Policies covering the sustainability features required across new development.

S106

- 9.97. Paragraph 54 of the NPPF states that *local planning authorities should consider whether otherwise unacceptable development could be made acceptable through*

the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:

a) necessary to make the development acceptable in planning terms;

b) directly related to the development; and

c) fairly and reasonably related in scale and kind to the development.

9.98. Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the *Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by:*

- Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.*

9.99. Policy BSC 3 of the CLP 2015 states, amongst other things that at *Kidlington and elsewhere, all proposed developments that include 11 or more dwellings (gross), or which would be provided on sites suitable for 11 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site. The Policy continues by stating that, all qualifying developments will be expected to provide 70% of the affordable housing as affordable/social rented dwellings and 30% as other forms of intermediate affordable homes. Social rented housing will be particularly supported in the form of extra care or other supported housing. It is expected that these requirements will be met without the use of social housing grant or other grant.*

9.100. The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

9.101. Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that *where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.* This application is for 35 residential units on the site which would represent a major application in terms of definition. For this reason, the application should provide an element of affordable housing as part of the proposal.

9.102. The policy requirement is for 35% affordable housing as set out in Policy BSC3 in the CLP 2015 which would equate to 13 units with a with a tenure split of 70% rented and 30% intermediate including First Homes provision. In line with new Government requirements, 25% of affordable housing is required to be delivered as First Homes. The applicant has confirmed that the development would provide the necessary element of affordable housing as required under this Policy, albeit that the submitted plans show only 12 units.

9.103. In addition, this it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, towards Public Art, highway infrastructure improvements and health care contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards i

9.104. The application is supported by a draft heads of terms of the agreement are likely to include the following:

- Affordable housing;
- Offsite sport (indoor and outdoor) and recreation contributions;
- Community hall contribution;
- Bus service contribution;
- Household waste recycling centre contribution;
- Education contributions.

It is expected that these matters will be negotiated with the LPA during the course of the planning application process.

9.105. Although the draft heads of terms do not cover all the areas where a contribution would be required it does show a commitment of the applicant to opening negotiations on an agreement. Notwithstanding this, the applicant has confirmed that they are willing to enter into a S106 agreement to cover the costs of the items outlined in the consultee comments. A commitment to this has been made by the applicant and solicitor details provided to allow for this process to proceed. As such it is considered that in the event that permission was to be approved for this development it would be the subject of an agreed S106 being in place. As such it is considered that the development will comply with Policies BSC3 and INF1 of the CLP 2015 as well as guidance outlined in paragraph 54 of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

10.2. The proposals will contribute to the Council's Housing Supply in the short term due to the size and duration of the project. The proposals would create construction jobs and also support facilities and employment in businesses, shops and services within the area. Given the small scale nature of the development these should also be afforded limited positive weight.

Social

- 10.3. The proposals would provide affordable housing at a tenure providing housing for those in need and a significant social benefit. Significant weight is to be afforded to the social benefits of the proposed housing.
- 10.4. The proposals would also provide significant social benefit from on-site recreation and play facilities which would be at the level expected by policy. The provision of this would also be of community benefit to existing residents.
- 10.5. Through s106 contributions the proposals would result in support for a range of community-based infrastructure in the area to a level expected by policy.

Environmental

- 10.6. The proposals also commit to a minimum of 10% biodiversity net gain, which also carries positive weight.
- 10.7. The proposals commit to the provision of a sustainable construction methods, which should be given positive weight.

Negative impacts

- 10.8. It is also important to recognise that every development has to consider negative impacts in terms of the development and consider whether the positive benefits outweigh these negative impacts.
- 10.9. No development or construction site is silent and therefore the development will result in impacts on the area in terms of noise and disturbance as the development is completed. There would also be disruption through the implementation of the traffic mitigation. This is minimised through the development and implementation of construction management plans however some disturbance is expected. This carries moderate negative weight.
- 10.10. Milcombe has limited services, public transport links and employment opportunities. Future residents of the development would have no choice but to use their own private cars to access many services. Reliance on the private car does not presently assist in reducing carbon emissions nor help achieve sustainable transport objectives. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD and ESD1 of the CLP 2015 and the key objectives of the NPPF. As a result, the proposal would be contrary to the Council's housing strategy and contrary to which significant weight is also attached.
- 10.11. The application site is positioned beyond the existing built-up limits of the village on the western side and is an area of countryside. Moderate weight is therefore attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land.
- 10.12. The weight to be afforded to the development of greenfield land would be greater than moderate if the wider impact was greater. In this instance, it is clear that the site is relatively well screened by mature and semi-mature landscaping along three boundaries and adjoins the rear gardens of existing residential properties on the fourth boundary. As such the development would have limited impact on the wider landscape and views of / into the village and would not be seen as an isolated development in the open countryside. The Council's 2018 HELAA also suggests that the site is suitable for some development (approximately 55 dwellings).

Conclusion

- 10.13. On the basis that the Council is able to demonstrate a five-year supply of land of housing, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.
- 10.14. The site is unallocated in the adopted CLP 2015. The proposal seeks permission for 35 houses on the edge of a Category A Village. While the total number of houses developed under Policy Villages 2 will exceed 750, the policy is reflective of the housing strategy of the Local Plan in seeking to direct residential development to the most sustainable settlements in the District.
- 10.15. On the basis of the scale of the proposal and the site's unsustainable location the proposal is considered at this point in time to conflict with the overall housing strategy outlined in the Development Plan and is contrary to Policy Villages 2. In accordance with the NPPF the proposed development is considered to represent unsustainable development, the limited planning benefits of the proposal are outweighed by the harm identified and planning permission should therefore be refused.

11. RECOMMENDATION

REFUSE for the following reasons:

1. The site is located outside the built form of the village and within an area of open countryside. Although Milcombe is a Category A village the lack of public facilities, services and employment means that the village is not a sustainable location for further new housing development. The Council is able to demonstrate a 5.4-year housing land supply and therefore the housing strategy Policies in the Local Plan are up-to-date and it is considered that the development of this site would conflict with the adopted policies in the Local Plan and would undermine the housing strategy in the Cherwell Local Plan which seeks to distribute new housing to the most sustainable locations. The principle of this development is therefore unacceptable, as contrary to Policies PSD1, ESD1 and Policy Villages 2 of the Cherwell Local Plan 2011-2031, Saved Policy H18 of Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
2. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning Obligation			Regulation 122 Assessment
Detail	Amount	Trigger point	
Public Transport	£39,655	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Health	£34,848.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Insufficient Consulting rooms in local GP's to cope with increased population growth as a direct result of the increase in dwellings.</p> <p>Directly related – For use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Community Hall facilities	£40,009.84 – final figure to be agreed.	Prior to the First Occupation of any Dwelling on the Site	<p>Necessary - contribution towards improvements at Milcombe Village Hall, including disabled access, disabled toilets and heating, so the facility can be used by more members of the community</p> <p>Directly related – For use of future occupiers by the</p>

			development Fairly and reasonably related in scale and kind – In accordance with Policy BSC 12 – The council will encourage the provision of community facilities to enhance the sustainability of communities
Outdoor Sport Provision	£70,596.05	Off-site Outdoor Sports Facilities Contribution in the following instalments:- 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	Necessary - contribution towards the purchase of land in Milcombe for outdoor sports pitches and associated building / equipment or towards the improvement of facilities at Bloxham Recreation Ground. Directly related – For use by future occupiers of the development Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation
Indoor Sports Provision	£29,223.14	Off-site Indoor Sports Facilities Contribution 50% prior to the first Occupation of any Dwelling; remainder prior to the first Occupation of 50% of the Dwellings	Necessary - off-site indoor sport contribution towards improvements at Milcombe Village Hall to allow for the provision of indoor sporting opportunities such as badminton and fitness classes. Directly related – For use by future occupiers of the development Fairly and reasonably related in scale and kind – Policy BSC 10 Addressing existing deficiencies in

			<p>provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access</p>
Public Realm / Public Art	£7,840.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary - Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. Public art and the quality of the public realm are important considerations in the design and layout of a development.</p> <p>Directly related – We are seeking public art in the locality of the development. The final location would need to be related to the proposed development site.</p> <p>Fairly and reasonably related in scale and kind – SPD 4.130 Public Realm, Public Art and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practise Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p>

Primary Education	£226,540.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary to provide adequate education provision in Bloxham primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Special Education	£17,948.00	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary to provide adequate education provision in Bloxham primary school as existing infrastructure is at capacity with planned growth.</p> <p>Directly related. Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
Waste Management	£3,289.00	TBC	<p>Necessary The County Council provides a large number of appropriate containers and storage areas at HWRCs to maximise the amount of waste reused or recycled that is delivered by local residents. However, to manage the waste appropriately this requires more space and infrastructure meaning the pressures of new developments are increasingly felt.</p>

			<p>Directly related. Will provided expansion and efficiency of Household Waste Recycling Centre (HWRC) capacity.</p> <p>Fairly and reasonably related in scale and kind. In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>
LAP	£36,135.03 or Management company	No more than SEVENTY PER CENT (70%) of the Dwellings shall be Occupied until the Practical Completion Certificate has been issued	<p>Necessary – Site based LAP required in accordance with Policy BSC10.</p> <p>Directly related – contribution towards the maintenance of the site-based LAP.</p> <p>Fairly and reasonably related in scale and kind – In accordance with Policy BSC 10 Ensuring proposals for new development contribute to play and recreation provision commensurate to the need generated by the proposals. Policy BSC 11 – Local standards of provision – outdoor recreation</p>
Affordable Housing	35% with a tenure split of 70% rented and 30% intermediate including 25% First Homes provision.	Not Occupy or cause or permit the Occupation of more than fifty per cent (50%) of the Market Dwellings until each area comprising the Affordable Housing Site has been offered to a Registered Provider	<p>Necessary – as would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related – The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind – Based on the Cherwell Local Plan requirement for</p>

			percentage of affordable housing.
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Agenda Item 12
22/01488/OUT

**OS Parcel 5616 South West Of Huscote Farm
And East Of Daventry Road
Banbury**



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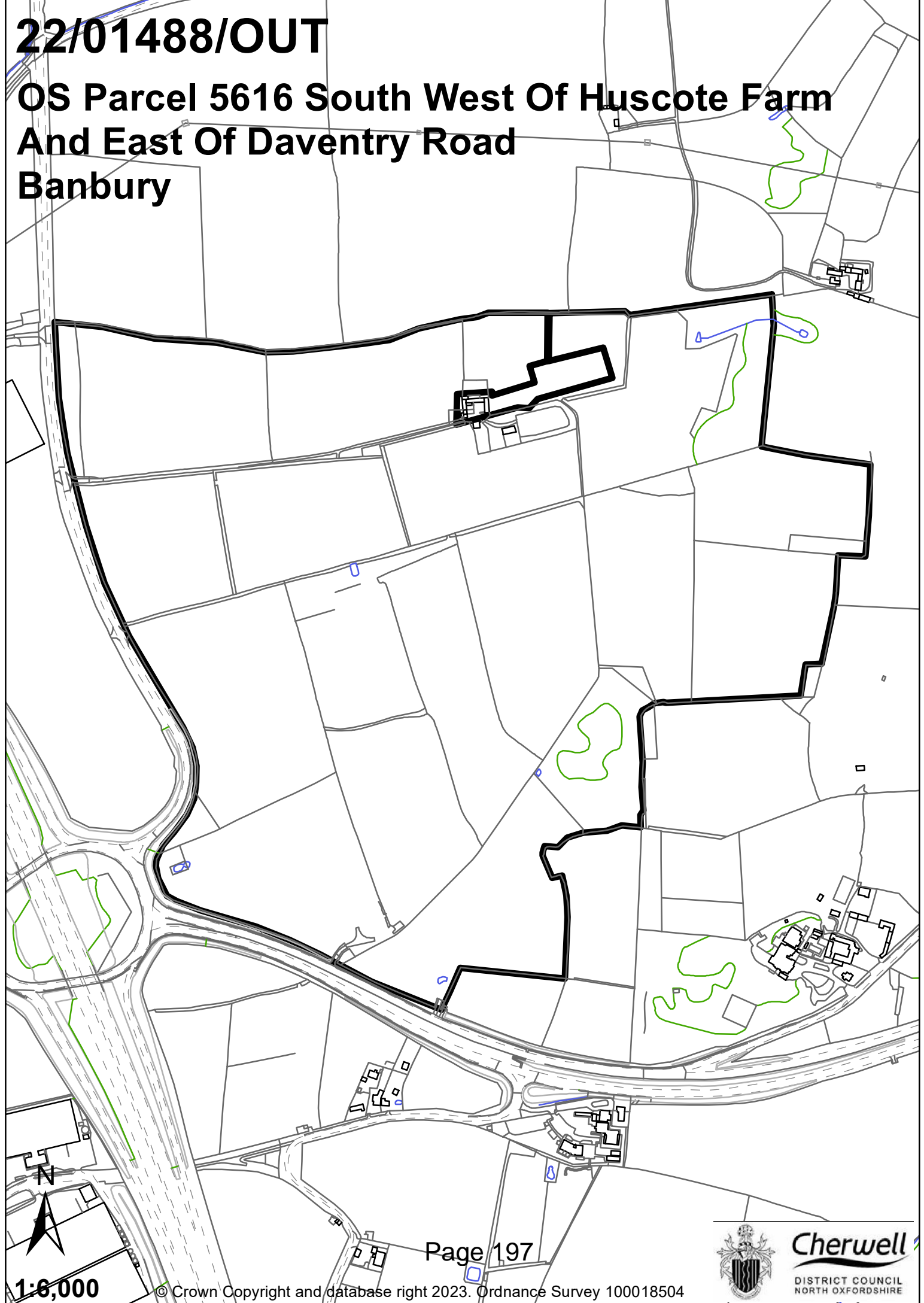


Cherwell

DISTRICT COUNCIL
NORTH OXFORDSHIRE

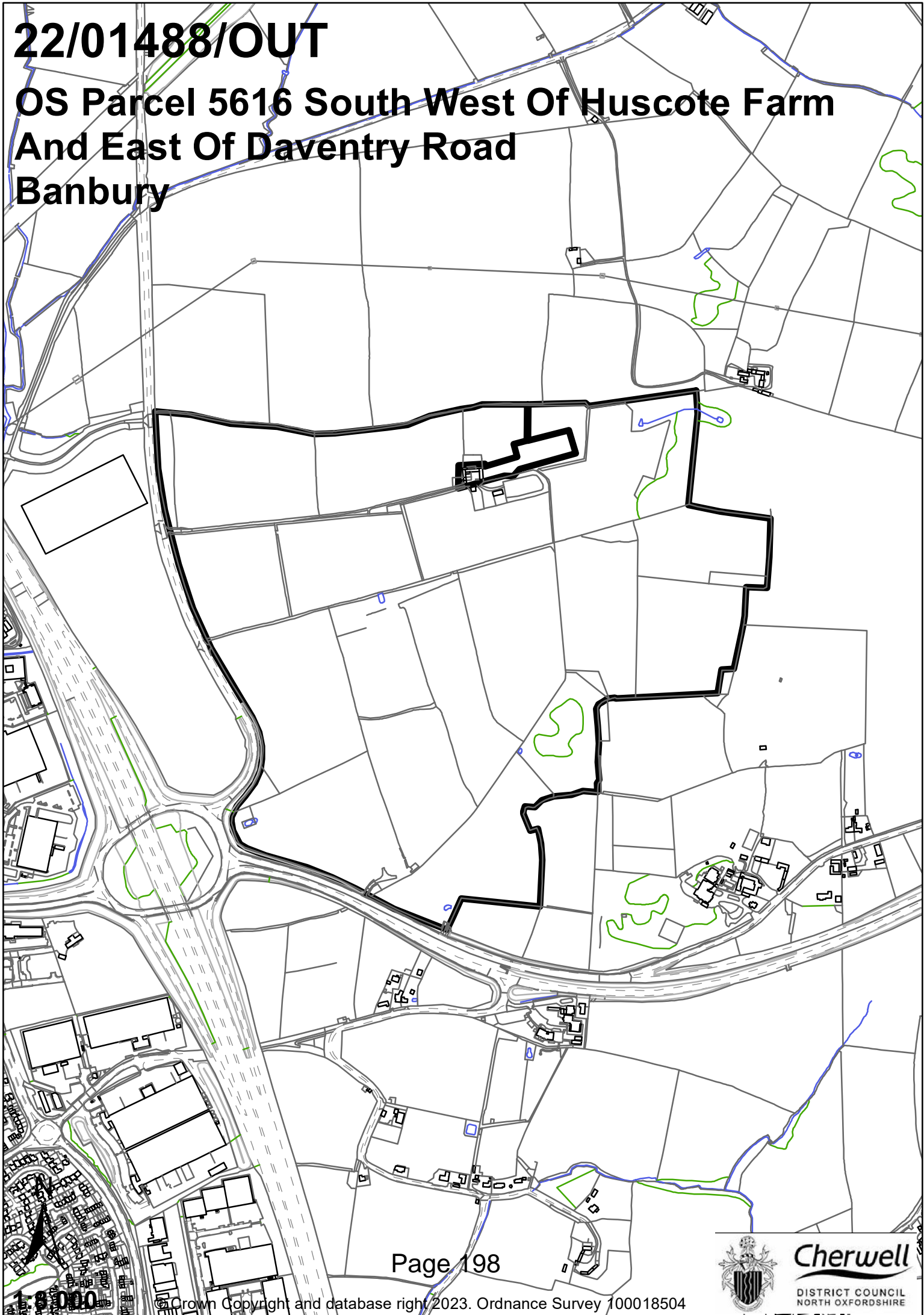
22/01488/OUT

OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road Banbury



22/01488/OUT

OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road Banbury



Case Officer: Chris Wentworth

Applicant: Greystoke CB

Proposal: Construction of up to 140,000 sqm of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse

Ward: Banbury Grimsbury and Hightown

Councillors: Cllr Beere, Cllr Biegel, and Cllr Moon

Reason for Referral: Major development/Departure from Development Plan

Expiry Date: 30 September 2022

Committee Date: 9 February 2023

SUMMARY OF RECOMMENDATION: THAT THE COMMITTEE CONFIRM THAT THEY WOULD HAVE REFUSED THE APPLICATION, AND DELEGATE POWERS TO OFFICERS TO DEAL WITH THE UPCOMING APPEAL

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on land northeast of Junction 11 of the M40, east of the A422 Daventry Road and north of the A422 Brackley Road. It lies opposite and east of the new Frontier Park development and east of the built-up area of Banbury, which lies primarily west of the M40. The site would be accessed from two points on the A361 Daventry Road, which in turn provides direct access to Junction 11 of the M40.
- 1.2. The site extends to 66.15ha of greenfield agricultural land, comprising nineteen field parcels that are defined by mature hedgerows and trees. The fields comprise a mixture of arable and pastoral land (of Grade 3a and 3b quality).
- 1.3. The site is bounded by the A422 Brackley Road to the south, and the A361 Daventry Road to the west. It adjoins open countryside to the north and east. Carrdus School, an independent day preparatory school, lies c.180m east of the site, separated by a dense woodland copse. To the west of the A361 and opposite the site is the recent commercial development of Frontier Park, which comprises a mix of B1, B2 and B8 employment uses on an area of land allocated for employment development (Policy Banbury 15) in the Cherwell Local Plan Part 1 2011-2031 (2015).
- 1.4. There are no footpaths (Public Right of Way, PRoW) within the site, although there are several within the wider vicinity.

2. CONSTRAINTS

- 2.1. The application site is not covered by any national or local landscape designations. With one small exception, most of the site is not in, or adjacent to, an environmentally sensitive area (i.e., sites designated as Sites of Special Scientific Interest (SSSI), National Parks, World Heritage Sites, Scheduled Monuments, Area of Outstanding Natural Beauty, or sites covered by international conservation designations), and therefore does not represent an environmentally sensitive location, as defined by Regulation 2(1) of the EIA Regulations.
- 2.2. The one exception is a woodland copse in the northeast corner of the site, which is listed under S41 of the Natural Environment and Rural Communities Act 2006 as a habitat of principal importance for the conservation of biodiversity. In addition to this copse, there are another forty individual and groups of trees spread throughout the site that are protected by Tree Preservation Order (TPO).

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The 22/01488/OUT planning appeal (Ref: APP/C3105/W/22/3311992) proposes the construction of up to 140,000sqm (1,500,000sqft) of B8 employment logistics floorspace (with ancillary offices and facilities) together with two new site accesses to the A361 Daventry Road, internal roads and footpaths, landscaped open space including earthworks to create development platforms and bunds, plus drainage features and other associated works including demolition of the existing Huscote Farm farmhouse.
- 3.2. Notwithstanding a holding direction from National Highways (currently lasting until 21st March 2023) stipulating that no decision be taken on the application without reference to the Secretary of State whilst National Highways consider the likely transport impacts of the development proposals on the strategic highway network, the applicant has appealed non-determination of the application to the Planning Inspectorate. An 8-day Public Inquiry is scheduled to consider that appeal, which is due to start on 11th April 2023.
- 3.3. The current application is an outline planning application and only includes detail of proposed site access and landscaping. All other matters are reserved for future assessment and determination.
- 3.4. There are no detailed design plans that accompany this application in respect to the proposed buildings or their layout. However, an indicative site layout plan has been prepared to demonstrate one way in which the development could be achieved in accordance with suggested development parameters.
- 3.5. It is suggested that in any final detailed design there would be up to ten new logistics warehouse buildings creating circa 140,000m² of proposed floor area. The final number and locations of the buildings have yet to be determined and would depend on the needs of future users of the buildings. However, they would be spread across ten zones of the site and it is suggested that all roof heights would be up to or less than the maximum building height specified for each zone which are outlined below.

Zones	Suggested Maximum Building Heights
A, C, D and F	23m
B, E, G, H, J and K	19m

4. RELEVANT PLANNING HISTORY

- 4.1. The application site has not been the subject of any planning application history that is relevant to this proposal.
- 4.2. The land was proposed for logistics employment development as part of the last Local Plan review, but the Local Plan Inspector did not support the suggested allocation of the land for development.
- 4.3. However, the applicant did submit a pre-application enquiry in 2021 (Ref: 21/04026/PREAPP) and a Screening Opinion request in 2022 (Ref: 22/00385/SO) requesting guidance on the draft proposals and an opinion as to whether or not any subsequent application would require an accompanying Environmental Statement under the terms of the EIA Regulations.
- 4.4. The Screening Opinion under Regulation 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 concluded that the proposal represented an 'Industrial Estate Development Project' that fell within Schedule 2, section 10(a) of the Regulations and the site area exceeded the applicable threshold in column 2 of Schedule 2.
- 4.5. Given the scale of the site proposed to be developed and that significant environmental effects were likely to result when considered against the EIA Regulations, Officers concluded that the proposal did constitute EIA Development and the screening opinion, issued on 3rd March 2022, confirmed this. The subsequent application was accompanied by an Environmental Statement (ES).

5. RESPONSES TO PUBLICITY

- 5.1 The planning application was publicised by way of site notices displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council was been able to identify from its records. The final date for comments was **1st December 2022**. There were 208 objection representations, 3 submissions of support and 8 general comments raised by third parties in respect to that publicity.
- 5.2 The comments raised by third parties are summarised as follows:

Support

- Anything which creates more jobs in the area is a great benefit;
- More workplaces are needed in Banbury.

Objections/Comments

- This will devastate the countryside. Given that HS2 is already doing this, it is unacceptable;
- The plan to convert yet more farmland to warehousing will ruin more wildlife habitats. Many species of birds have lost habitats in wetlands and around the motorway area;
- We have many vacant buildings around the town that could be utilised and converted for warehouse solutions without building more;

- The area and motorway are already highly packed with large vehicles and lorries making the surrounding roads slow, particularly around the area of the proposed warehouses;
- The jobs generated by construction of and the ongoing employment in the facility would not benefit the local area;
- Automation and the very nature of warehousing mean staffing and jobs are low skilled and do not add to the local economy;
- It would dominate the landscape, which is attractive;
- If the land is levelled there is an increased risk of subsidence on the hill behind it that has residential homes atop – would this make the escarpment unstable?;
- Lack of existing road capacity on A361 and M40 J11;
- No public consultation has taken place, which should have been paramount and comprehensive for a development of this size;
- The proposal was previously dismissed by the Local Plan Inspector in 2015;
- Further erosion of rural land, that creates natural habitats for wildlife and an attractive screening from the M40 traffic, noise, and pollution for local homes and villages. This destruction of a rural aspect would be detrimental to all the surrounding area;
- It is dangerously close to the Northamptonshire County boundary line [which it adjoins];
- The area will become a concrete jungle;
- At a time of climate crisis, when Government is working hard on Nature Recovery Strategies, it seems abhorrent that any consideration would be given to destroy what we already have in this area;
- The site is not allocated within the adopted Local Plan;
- We note that the application contains only a narrow selection of viewpoint images;
- The Oxfordshire Historic Landscape Characterisation Project, Capacity for Change, shows the landscape in the location of the application to be Level 5: High Sensitivity to Urban Development;
- Building in open countryside destroys the value of local heritage assets to the authority and local community, and in some cases, nationally. The fields in the site are medieval ridge and furrow landform. The ridge and furrow is well-preserved and therefore it is unlikely that the ground has been disturbed significantly since medieval times, making it impossible to have any detailed knowledge of what lies beneath or what the land may have been previously used for;
- The loss of biodiversity that would occur in the event of the proposed development would lead to the loss of much natural habitat for wildlife and birds;
- 42 TPOs on trees across the site, many of which overlap the proposed location of units within the proposals;
- Such large-scale commercial development gives no consideration for residents in nearby areas and would bring unreasonable disturbance from units such as alarms, machinery and HGV movements;

- Planning Statement states that pedestrian and cycle linkages are designed into the site to improve connectivity with Banbury. Without significant infrastructure changes in the surrounding areas, there is no safe route to facilitate this;
- It is not expected that B8 units in this area would create the volume of jobs suggested by the applicant [1,900], in fact, the recently approved, Frontier Park, used the argument of low FTE job creation in mitigation of concerns surrounding traffic generation;
- Flood risk is a huge concern. Development of the area would create an increased risk of flooding by removing permeable surfaces, nearby areas have required much work against natural flooding and the lower grazing land is already prone to flooding;
- Despite the flood risk, it does not appear that ongoing future management of water levels have been considered in any depth;
- Sets a precedence to allow further building right into Nethercote and up the hill into Middleton Cheney, destroying the hamlet and village characters;
- A small market town doesn't have the services to support such a large development, with doctors already oversubscribed;
- Potential for light pollution;
- The M40 acts as a natural eastern boundary to Banbury's expansion into the green belt;
- Banbury already has sufficient levels of warehousing;
- Schemes such as these cannot work unless there is equivalent investment in infrastructure. CILs need to be collected from this and other new warehouse owners to construct an M40 junction 10a;
- Loss of good quality farmland;
- No faith that the developers, if given permission in any form would stick to their proposals;
- The proposed development both in the building process and thereafter would be a significant detriment to the air quality of the locality;
- Detrimental to town's image;
- It meets none of the aspirations of the CDC Local Plan;
- We are disappointed to see that the applicant has not made public the information related to badgers;
- We are concerned that the proposed site has no connection to the existing sewerage system, and that foul water would be treated at a new plant on the site and then discharged into the surface water network;
- We believe it would be irresponsible to permit a development that is solely reliant on road vehicle movements for its operation and construction and has no realistic possibility of any connection to the rail freight network;
- There is a major safety issue to consider and that is the addition of a roundabout so close to a very sharp bend in the road as you come off the M40 J11 roundabout onto the A361;
- The scale and height of the proposed commercial development would be ruinous to this part of the countryside and rural community;

- There are several references to Frontier Park, suggesting that precedents with this development have been set which are to be used in the current application.

5.3 All the comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATIONS

6.1 Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCILS

6.2 Banbury Town Council objected to the proposal on the following grounds:

- The principle of providing employment development on this site fails to comply with SLE 1 of the Cherwell Local Plan. If additional land for employment development is required it should be assessed and allocated through the Local Plan process which is underway, and therefore this proposal is premature;
- Development at this location would not be sustainable, given the site's location without direct and convenient access for pedestrians, cyclists and no frequent public transport service;
- The proposal would cause severe harm to highway safety and convenience and would worsen traffic conditions on the M40 junction;
- The proposed development would be out of scale and character with the open rural character of the site and its surrounding context, and the development would cause unacceptable harm to the visual amenity of the area and the local landscape;
- The development would worsen air pollution issues on Hennef Way;
- The type of development is restricted to warehousing, which is unacceptable.

6.3 Middleton Cheney Parish Council objected to the proposal on the basis of the environmental impacts, particularly to local agriculture and the noise and light pollution from increased traffic and deliveries and night-time lights in the warehouses. Furthermore, they state that the local roads are already at saturation point if there is an incident on the M40 and that the development would inevitably increase traffic on all neighbouring roads as lorries move in and out of the site. In addition, the suggested design, appearance and layout of the site is considered to be unsuitable for this position and the character of the land. Cherwell's local development plan references, respect for heritage assets (this site has furrows from past farming techniques), conservation of tranquillity and biodiversity and environmental character and the proposals pay no regard to these statements. Also, it is noted that Cherwell District Council has declared a climate emergency. It is difficult to reconcile these plans with that.

6.4 The Bourtons Parish Council objected to the proposal on the following grounds:

- The size of the proposed development across a significant and visually important area of countryside;
- Logistics warehousing does not provide the highest or optimum levels of employment per square metre;

- The traffic congestion already apparent around Junction 11 of the M40 would be increased dramatically;
- Air pollution would be increased;
- The application mentions the benefit of local bus services. It does not mention that the 200 hourly service between Banbury and Daventry, which serves Wardington, is threatened with closure. Nor does it consider that the 500 service for Chacombe and Middleton Cheney was under threat some ago and only saved for the benefit of the staff who work at Chacombe Park nursing home but would be under threat again if the extra traffic related to this development extends their journey times.

6.5 Chacombe Parish Council objected to the proposal on the following grounds:

- Planning Policy and Decision-Making Framework – Principle of the Development: - The site is specifically excluded from the currently adopted Local Plan and was assessed in detail by the Plan Inspector in 2015;
- The proposed development would have a significantly detrimental impact on the local landscape;
- The proposed development would have a significantly detrimental impact on the surrounding highway network;
- Absence of Community Engagement, contrary to NPPF guidance.

6.6 Overthorpe Parish Council objected to the proposal and fully support the comments made by Chacombe Parish Council.

6.7 Wardington Parish Council objected to the proposal on the following grounds:

- The size of the proposed development (too large);
- Yet more unsightly warehousing;
- The employment created would be mainly low skilled and low paid;
- Not consistent with the Cherwell District Council Local Plan and its aspirations;
- It would put yet more pressure on the already congested and air polluted M40 junction 11 area;
- It would result in the permanent loss of an environmentally and visually important area of the countryside.

6.8 West Northamptonshire Council initially placed a holding objection to the application with the following comments and objections subsequently provided:

- Environmental Protection comments: If permission is granted then the following conditions should be imposed:
 - Condition – Noise assessment
 - Condition – Extract ventilation system
 - Condition – External lighting
 - Condition – Land contamination remediation
 - Condition – Construction Management Plan
 - Condition – Air quality assessment and mitigation.
- Heritage Comments.
 - The report acknowledges and addresses the difference in assessment of heritage assets between the NPPF and EIA. The

report identifies the site has potential to impact two nearby heritage assets, the Grade II designated C17 Seals Farm farmhouse, which is located to the northeast of the proposed development site and Overthorpe Hall, to the southeast of the proposed development site, a non-designated heritage asset. I am satisfied that the significance of each asset has been appropriately considered and reasonable conclusions formed as to the potential impact of the proposed development on the setting / significance of the assets.

- Highway Comments – Objection.
 - This application for outline permission for a 140,000sqm logistics warehouse park cannot be supported without thorough assessment of the A422 to Brackley and A361 to the M1 at Daventry;
 - The Transport Assessment has identified the major role these two routes play in light and heavy traffic, therefore WNC’s own strategic planning and transport policy must also be considered, and due process followed as if the site was within the WNC area;
 - There would be a need to secure bus improvements to serve Brackley which has been totally overlooked and depending on results of further assessment in the WNC areas, highway mitigations may be required.

6.9 CPRE objected to the application on the following grounds:

- The site is specifically and explicitly excluded from the Cherwell Local Plan 2011-2031;
- The Environmental Impact Assessment provided with the application is wholly inadequate and, in some places, inaccurate and/or misleading;
- The projected site plans for access to and egress from the site are wholly unrealistic and would have significant impact on flow of traffic entering and exiting Junction 11 of the M40 and the surrounding road system and quite possibly would have specific impacts on traffic on the M40 itself;
- The Transport Plan in the application is wholly inadequate;
- The claimed employment benefits for the Banbury area are, to say the least, tenuous. The applicants selectively misquote the Banbury Landscape Sensitivity and Capacity Assessment. In addition, reference to the linkage of the development to the Oxford-Cambridge Arc is disingenuous given that the Government has severely modified and reduced its proposals for that Arc, particularly in relation to transport infrastructure.

6.10 Oxfordshire County Council as Local Highway Authority objected to the proposal on the following grounds:

- The site is in an unsustainable location for walking and cycling;
- The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip;
- Any further development around Junction 11 of the M40 would add to the severe congestion and air quality problems on the A422, particularly along Hennef Way;
- This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements;

- Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool.
- 6.11 National Highways objected to the proposal and placed a holding objection based upon reviewing the most recently submitted information contained within the Transport Assessment to allow further consideration of the scheme. The holding objection is currently in place until 21st March 2023.
- 6.12 Banbury Civic Society objected to the proposal on the basis that the proposal is contrary to the following policies:
- Cherwell Local Plan Policy ESD 13 - Local Landscape Protection and Enhancement;
 - Cherwell Local Plan Policy ESD 15 - The Character of the Built and Historic Environment;
 - NPPF Paragraph 195: “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise*”.
 - NPPF Paragraph 199: “*When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*”
 - NPPF Paragraph 203: “*The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*”
- 6.13 Oxfordshire County Council as Local Lead Flood Authority objected to the proposal on grounds that the applicant had failed to demonstrate through its FRA and a Surface Water Management Plan that the proposals would not increase the risk of surface water flooding.
- 6.14 Berkshire, Buckinghamshire & Oxfordshire Wildlife Trust (BBOWT) objected to the proposal on the following grounds:
- Application does not provide adequate evidence of a net gain in biodiversity - The importance of a net gain in biodiversity being in perpetuity;
 - Loss of or damage to hedgerow priority habitat contrary to the NPPF and Cherwell Local Plan;
 - Loss of ridge and furrow grassland;
 - Buffer zones and management of hedgerows required in order to achieve biodiversity net gain;
 - Insufficient evidence that populations of farmland bird species (42 species noted, including two red-data species) would be maintained, contrary to the NPPF, Cherwell Local Plan, and the Conservation of Habitats and Species Regulations 2017 (as amended).

6.15 Cherwell District Council Environmental Health Officer – following comments received.

- **Air Quality** – The methodology and findings of the assessment are accepted. Paragraph 10.5.3 of the report recommends that offsetting measures should be considered. A Damage Cost Calculations Assessment, to put into monetary terms the impact of the proposed development on air quality, should therefore be submitted which should include details of the appropriate off-setting measures based on the outcome of the assessment.

- **Light** – No assessment has been submitted but will be required. This could be submitted prior to approval or conditioned on any consent granted.

- **Land Contamination** – The methodology and findings of the Preliminary Geo-Environmental Risk Assessment are accepted. Further intrusive investigation is however required as recommended in section 4.0 Conclusions & Recommendations, and it is therefore recommended that the following conditions be attached to any consent granted:
 - *Land Contamination Intrusive Investigation*
 - *Land Contamination Remediation Scheme*
 - *Land Contamination Remediation Works*
 - *Unexpected Land Contamination*

- **Noise** – The methodology and findings of the assessment are generally accepted, although further clarification/assessment is required.
 - Operational Phase – Potential noise sources are considered in Appendix 11.6, however it is not clear if all potential noise sources associated with B8 use have been considered, for example reversing beepers as the site will operate 24/7. The last paragraph on page 3 of Appendix 11.6 references Tables 7.6-2 through Table 7.6-4, I'm assuming this is a typo and should read 11-6.4?
 - Construction Phase – The control of noise and dust to be in accordance with an approved Construction Environmental Management Plan (CEMP) via condition.

6.15 Cherwell District Council Ecology – Following comments received.

- In general, an appropriate Ecological assessment has been carried out at the site. There are however a number of ecological issues.
- Great crested newts have not been considered to the satisfaction of the newt officer and further information on great crested newts should be submitted.
- A licence is required for bats and, should permission be granted, would need to be conditioned due to the presence of roosts in some of the buildings impacted.
- A full lighting strategy is required which should be designed with the need to protect nocturnal wildlife in mind using guidance from the Bat Conservation Trust and ILP.
- A CEMP for biodiversity would be required to be conditioned to demonstrate how retained vegetation and protected and priority species would be protected during construction. This should include a clear plan of Ecological protection

zones, details of ECoW supervision and the need for updated surveys where relevant.

- Updated ecological surveys will be required should more than two years elapse since the submitted PEA and commencement of any works.
- A badger survey will be required prior to commencement of works and full details of any and all mitigation required submitted for approval.
- The site has a very large footprint with a number of farmland birds, including red list species holding territory and therefore potentially impacted by the development. I do not entirely agree with the Ecological appraisal that conditions will be better for these birds following construction. I would refer you to BBOWTs full outline of the issue within their comments. There appears to be additional land in the applicant's ownership to the South which could be used for a specific farmland bird mitigation site and this should be considered.
- The applicants have submitted a BIA metric. This has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which is more realistically achieved (but means the net gain demonstrate is significantly less). I don't think the illustrative landscape masterplan has been updated to reflect this.
- I concur with BBOWT that it would be prudent for the site to be considered on a field-by-field basis in terms of the metric and determining condition. Currently the whole 61ha of grassland is all put together and it seems unlikely that the condition would not vary at all within this large area and this would lead to an underestimate of current value which would likely result in a net loss to wildlife under current plans. Our records suggest that one of the fields in particular may be of greater value being highlighted as potentially Priority grassland.
- A full LEMP demonstrating how the net gain proposed will be achieved, monitored and secured ongoing would be required. This should commit to achieving a net gain in biodiversity of at least 10% in both linear and area-based habitats. It should include an updated BIA which considers the land area on a field-by-field basis, showing how each habitat will be created, enhanced and maintained. It is not clear to me whether the grassland to the South and East is intended for amenity use. If so there should be large areas reserved where public access is discouraged otherwise the biodiversity value will be much reduced.
- There should be provision on site for biodiversity enhancements such as log piles, hibernacula, bat and bird boxes and importantly features integrated into the buildings themselves to ensure their retention for the lifetime of the development.
- The feasibility of green roofs and walls on site should be considered and included wherever possible.

6.16 Oxfordshire Newt Officer (NatureSpace) placed a holding objection on the application and stated that they were not satisfied that the applicant had adequately demonstrated that there would be no impact to great crested newts and/or their habitat as a result of the development being approved.

6.17 Oxfordshire County Council's Archaeologist commented that the site is in an area of archaeological importance and potential with records of Roman, Romano-British, Neolithic and Bronze Age artefacts having been discovered locally. Therefore, recommended that prior to any determination of the application, an archaeological field evaluation should first be carried out.

6.18 The Environment Agency commented on the proposal and stated that whilst they had no objections to the principal of the proposal, connection to mains foul drainage was not feasible. They advised that Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020) sets out a hierarchy of drainage options that must be considered and discounted in the following order:

1. Connection to the public sewer.
2. Package sewage treatment plant (adopted in due course by the sewerage company or owned and operated under a new appointment or variation).
3. Septic Tank.

6.19 The District Council's Land Drainage Officer commented as follows:

- The proposed development would create significant impermeable areas on a site located to the east of M40 J11 and north of the A422. An outline Flood Risk Assessment and Surface Water Management Plan is included in Chapter 9 of the Environmental Statement;
- This is a Major Application so will also require consideration by the LLFA. The site contains a number of ditches which generally flow in a westerly direction. These do not flow continuously and remain dry for the majority of the time;
- The superficial geology in this locality is generally impermeable clay and known not to be suitable for infiltration;
- Foul drainage is proposed to be to a private sewage treatment plant located on the site with the treated effluent being discharged to the ditch system. This would require the consents of both the Council as Land Drainage Authority and the Environment Agency;
- Normally, an Environment Agency consent/permit would only be issued if the receiving watercourse is continuously flowing. The applicant should seek guidance about this from the Environment Agency;
- The Surface Water Management Plan envisages attenuated discharges to the system of ditches;
- There are no objections in principle to this subject to the details being agreed with Cherwell as Land Drainage Authority and the LLFA. The layout of the development should be such that all ditches remain readily accessible for maintenance.

6.20 Thames Valley Police stated that there was insufficient information provided to support this application in its current form, and therefore must object. The objection from Thames Valley Police may be addressed by the submission of additional documentation and information to address the following points. In addition, should this application be approved, the following, or similarly worded conditions should be imposed:

- Condition 1 - Prior to commencement of development, an application shall be made for Secured by Design Silver accreditation on the development hereby approved. The development shall be carried out in accordance with the approved details and shall not be occupied or used until confirmation of SBD accreditation has been received by the authority.
- Condition 2 - Prior to commencement of development, details of a proposed external lighting scheme shall be submitted to the local planning authority. The scheme shall set out the steps that will be taken to ensure that external lighting, including zonal/security lighting, particularly around parking areas,

promotes a secure environment and does not cause a nuisance to local residents.

7. RELEVANT PLANNING POLICY AND GUIDANCE

- 7.1 Section 38(6) of the Planning & Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 2 of the National Planning policy Framework (NPPF) makes clear that the NPPF does not change the statutory status of the Development Plan as the starting point for decision making.
- 7.2 The Development Plan for Cherwell consists of the Cherwell Local Plan 2011-2031 Part 1, which was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. This Plan replaced several previously 'saved' policies in the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the Development Plan. On 7th September 2020, the Council adopted the Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need, and it too forms part of the Development Plan, although it is not relevant to these application/appeal proposals because it only relates to development around Kidlington and neighbouring villages, on the northern edge of Oxford.
- 7.3 The full list of relevant planning policies in Cherwell District's statutory Development Plan is as follows, had the Council been able to have made a determination on the application.

Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1)

- PSD1 – Presumption in favour of Sustainable Development
- SLE1 – Employment development
- SLE2 – Securing dynamic Town Centres
- SLE4 – Improved Transport & Connections
- ESD1 – Mitigating & Adapting to Climate change
- ESD3 – Sustainable construction
- ESD6 – Sustainable flood risk management
- ESD7 – SuDS
- ESD10 – Protection & Enhancement of Biodiversity & the Natural Environment
- ESD13 – Local landscape protection and enhancement
- ESD15 – The Character of the Built and Historic Environment
- INF1 – Infrastructure

Cherwell Local Plan 1996 Saved Policies (CLP 1996)

- TR1 – Transportation funding
- C1 – Protection of sites of Nature Conservation Value
- C2 – Development affecting Protected Species
- C7 – Landscape Conservation
- C8 – Sporadic development in the open countryside
- EMP4 – Employment generating development in the Rural Areas

- ENV1 – Development likely to cause detrimental levels of pollution
- EN7 – Development affecting water quality

7.4 *Other Material Planning Considerations*

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell DC's Banbury Vision and Masterplan Supplementary Planning Document (SPD)
- Cherwell DC's Developer Contributions SPD February 2018
- EU Habitats Directive

8. APPRAISAL

8.1 The key issues for consideration in this case are:

- Principle of development
- Landscape/impact on the character of the area
- Heritage Impact
- Ecology Impact
- Economic Impact
- Highway Impact
- Air Quality Impact
- Flooding and Drainage Impact
- Infrastructure Contributions

Principle of Development

8.2 Section 38(6) of the Planning and Compulsory Purchase Act outlines that the starting point for the consideration of a planning application is the Local Plan unless material considerations dictate otherwise. Where the Local Plan is absent, silent or out-of-date, paragraph 11 of the National Planning Policy states that a presumption in favour of sustainable development applies, granting permission unless the benefits of the proposal are demonstrably outweighed by any harm caused.

8.3 As such, the starting point for the consideration of this proposal is the Cherwell Local Plan. The Cherwell Local Plan outlines the Council's policies for the period 2011-2031. These policies are considered up-to-date and includes the allocation of sites for employment purposes to meet the District's needs. As such, paragraph 11 of the NPPF is not engaged in this instance. Therefore, full weight is applied to the relevant policies within the local plan.

8.4 Policy SLE1 of the Cherwell District Local Plan outlines the strategic vision for the provision of new employment development within the District. Also contained within the Local Plan are site specific policies allocating land for employment purposes. Each policy sets out the type of employment development that is required for each site, and cumulatively these allocations provide sufficient employment development opportunities to meet the identified needs of the District until 2031.

8.5 In this case the application site is not allocated within the adopted local plan and sits outside of the built envelope of Banbury town to the east of the M40 motorway. It is noted that the site was put forward previously when a 'call for sites' exercise was

undertaken in a previous draft iteration of local plan but was not brought forward and the site remains unallocated.

- 8.6 The Inspector stated at that time that, amongst other matters, that only land west of the A361 (i.e., not the current application/appeal site) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site as this would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality. On this basis, the authority can see no reason, through the evidence submitted to depart from the Inspectors previous findings.
- 8.7 Furthermore, the latest Annual Monitoring Report (AMR) shows that there is existing employment land available at both Banbury and Bicester within allocated sites. Therefore, until such time where the existing capacity within allocated sites has been exhausted and there is a robust and unequivocal evidential need for further employment land, speculative sites are unlikely to be supported.
- 8.8 On this basis it is not considered that the principle of development can be supported in this case and is therefore recommended for refusal on the basis of it being an unallocated site in an inappropriate location.

Ecology Impact

- 8.9 Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 8.10 Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.11 Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 8.12 This policy is supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 8.13 Saved policy C2 contained within the Cherwell Local Plan 1996 states that development which would adversely affect any species protected by schedule 1, schedule 5 and schedule 8 of the 1981 Wildlife and Countryside Act and by the E.C. Habitats Directive 1992 will not normally be permitted.

- 8.14 The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.15 In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development.
- 8.16 The north-east part of the site contains a NERC Act S41 Habitat site (as per the Adopted Cherwell Local Plan 2011-2031 (Part 1) Partial Review- Oxford's unmet Housing Need, September 2020). This part will remain undeveloped with a substantial buffer around it, providing opportunities for habitat and biodiversity enhancements.
- 8.17 An Ecological Impact Assessment has been undertaken with a desk-based assessment undertaken to identify records of protected and/or notable habitats and species, and designated nature conservation sites in the vicinity of the site and has been provided within the Environmental Statement. The assessment states that, based on the data gathered, during the construction phase and without mitigation there is potential for significant negative effects at the site to a local level in relation to pollution events, loss of habitats and effects on species such as amphibians, reptiles, birds, bats and small mammals and invertebrates. It then goes on to state that at the operation stage, the Proposed Development will have established newly created habitats including enhanced grassland, species-rich hedgerows, native trees, new ponds, native woodland and an orchard all of which would be positive, permanent and of significance at up to a Local level with the inclusion of mitigation measures secure by planning condition through a LEMP and CEMP.
- 8.18 However, Oxfordshire Newt Officer has placed a holding objection to the application and have stated that they are not satisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat as a result of the development being approved. The development falls within the amber impact risk zone for great crested newts with such impact risk zones derived through advanced modelling to create a species distribution map which predicts likely presence. In the amber impact zone, there is suitable habitat and a high likelihood of great crested newt presence and there are 14 ponds within 500m of the development proposal (5 within the site) and there is direct connectivity between the development and surrounding features in the landscape.
- 8.19 The newt officer goes on to state that they remain unsatisfied that the applicant has adequately demonstrated that there will no impact to great crested newts and/or their habitat because of the development being approved. As are P5 was inaccessible it must be assumed that there is a presence rather than absence without further information to prove otherwise and also that the surveying method (HSI Scores) are not a suitable replacement to GCN surveys.
- 8.20 Having regard to the Local Planning Authority's duty under the Conservation of Habitats and Species Regulations 2017, the lack of a suitable protected species/ecological survey and proposed mitigation strategy means that it has not been demonstrated that the proposal will not cause harm to any protected species or

its habitat which is reasonably likely to be present and affected by the development. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1, advice contained in the PPG and Natural England's Standing Advice, and section 15 of the National Planning Policy Framework.

- 8.21 The authorities Ecology officer has assessed the submission and has stated that generally an appropriate Ecological assessment has been carried out at the site. However, they go on to state that there are a number of ecological issues that have yet to be addressed. Great crested newts have not been considered to the satisfaction of the newt officer and further information on great crested newts should be submitted as discussed above.
- 8.22 The applicants have submitted a BIA metric. The Ecologist has noted that this has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which whilst considered to be more realistically achieved it does mean that the net gain demonstrated is significantly reduced and this has not been reflected in the current illustrative landscape masterplan. Therefore, at this stage the authority is unable to fully ascertain what level of biodiversity net gain would be achieved and therefore is recommended for refusal on this basis.
- 8.23 It has also been noted in the comments and objections raised by third parties that a large number of trees that are subject to Tree Preservation Orders (TPO) are located on site with a number to be lost as part of the proposal. The authority has assessed the proposal and it is noted that up to 40 no. trees comprising of a variety of species, including Oak trees, are located across the site and would highly likely be removed to facilitate the development proposal. Few details have been provided regarding the loss of these trees as the site is subject to an outline proposal with layout determined at a later stage. As a result of this, the loss of trees could be much greater than currently predicted either through tree loss or degradation of trees to be retained during construction and operation phases. On this basis it is considered that the authority does not have sufficient information to adequately assess such impacts, or the justification provided for such potential impacts in relation to protected trees. The proposal is therefore contrary to Policy ESD10 of the CLP 2031 Part 1 and the National Planning Policy Framework.

Economic Impact

- 8.24 Policy PSD1 contained within the Cherwell Local Plan 2011-2031 Part 1 states that when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework. The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.
- 8.25 Policy SO1 seeks to facilitate economic growth and employment and a more diverse local economy with an emphasis on attracting and developing higher technology industries whilst policy SO6 seeks to accommodate new development so that it maintains or enhances the local identity of Cherwell's settlements and the functions they perform.
- 8.26 Policy Banbury 7: Strengthening Banbury Town Centre contained within the Cherwell Local Plan 2011-2031 seeks to maintain and improve the vitality and viability of the town centre offering with an emphasis on the town centre being accessible, and by a variety of transport options.

- 8.27 The authority has significant concerns that the further development around Junction 11 of the M40 in the form and scale proposed would add to the severe congestion experienced. Junction 11 of the M40 is a key arterial route that serves the town of Banbury from the north and east. Increasing congestion at the junction would render both the town centre and the edge of town retail and employment land offerings comparatively less attractive as destinations thereby reducing the town's sustainability. Such concerns have not been addressed through the submission of the current planning application. It is acknowledged however, that the development proposal would create several economic benefits during the build phase and once it is operational. There would be a significant number of on-site jobs created (estimated to be approximately 1,100). The scheme is also proposed to be located in a strategically important area of the UK – the Oxford-Cambridge Arc.
- 8.28 However, whilst the creation of employment opportunities could be supported, this should not be at the expense of the town's continued operation, its attractiveness and sustainability. As such, the proposal is recommended for refusal on the basis that it fails to adequately assess the economic impacts upon the town of Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic on the strategic and local highway network. The proposal is therefore contrary to policies SEL1 and SEL2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.

Highway Impact

- 8.29 Policy SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported.
- 8.30 Saved policy TR1 contained within the Cherwell Local Plan 1996 states that before proposals for development are permitted the council will require to be satisfied that new highway, highway improvement works, traffic management measures, additional public transport facilities or other transport measures that would be required as a consequence of allowing the development to proceed will be provided.
- 8.31 The proposal would require additional infrastructure and amendments of the existing highway network on the A361 Daventry Road and the Junction 11 M40 roundabout itself to facilitate the development. However, a full assessment of the proposal and the mitigation required has yet to be agreed between the authority, relevant stakeholders and the applicant due to lack of modelling.
- 8.32 An objection has been made by OCC Highways on the following points;
- a) *The site is in an unsustainable location for walking and cycling* – The site is located in an area with limited footways, particularly along the A361 Daventry Road and limited opportunities to cycle across the M40 Junction 11 roundabout.
 - b) *The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip* – The current proposal includes the provision of an additional roundabout on the A361 that is approx. 60m to the north of the M40 J11 roundabout which would provide the main vehicle access into the application site.

- c) *Any further development around Junction 11 of the M40 will add to the severe congestion and air quality problems on the A422, particularly along Hennef Way – this development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements – No information has been provided by the applicant to address this issue.*
- d) *Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool – It is agreed by all parties that highway modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all the primary local junctions and the interaction between them. Analysis using VISSIM has not been undertaken. However, Junction 11 has been analysed using LinSig but the results are inconclusive as:*
 - o The model does not entirely correspond to the proposed layout drawings.
 - o Traffic flows associated with another nearby development proposal (21/02467/F) have been erroneously included.
 - o LinSig is considered to have limitations that mean it is not suitable to predict the future operation of the local network with sufficient confidence.
- e) It has not been demonstrated that a signalised crossing of the A361 for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated.
- f) Proposed modifications to Junction 11 to mitigate for increased traffic will involve extensive civil engineering works and it has not been demonstrated that these works are feasible. The main changes involve:
 - o Realigning and widening the A361 entry on to the gyratory. This will entail the removal of trees and significant build-up of the embankment.
 - o Widening of the southern overbridge to accommodate an additional lane. This will also require tree removal and embankment works, and possibly the replacement of the entire bridge.

8.33 The objections raised above outline that a variety of factors that are considered fundamental to the appropriateness of the site for development have not been satisfactorily addressed and the objection is maintained.

8.34 Furthermore, given the sites location and access arrangements from the M40 J11 roundabout the proposal would give rise to impacts upon the Strategic Highway network. As such, National Highways have been consulted on the proposal and have placed a holding objection to the proposal which is currently in place until March 2023. National Highways has reviewed the most recently submitted information contained in a Transport Assessment and also a Transport Assessment Addendum and the review identified a number of recommendations which need to be addressed in order for National Highways to fully understand the impact of the development on the Strategic Road Network, hence the imposition of the current holding objection.

8.35 West Northamptonshire Council as adjacent highway authority has been consulted on the proposal and have also objected on the basis that it cannot be supported without a thorough assessment of the A422 to Brackley and A361 to the M1 at Daventry which has not been undertaken. They go on to state that the transport assessment has identified the major role these two routes play in light and heavy traffic, therefore WNC's own strategic planning and transport policy must also be considered, and due process followed as if the site was within the WNC area. Finally, they outline that there will be a need to secure bus improvements to serve Brackley which appears to have been totally overlooked and depending upon the results of

further assessment in the WNC areas, highway mitigations may be required on this basis.

- 8.36 On this basis, the development is not currently considered acceptable in terms of highway impacts with a lack of information provided to assess the overall development. WNC Highways, OCC Highways and National England have raised objections to the current submission and would therefore fail to provide safe access to the site and fails to comply with Policy ESD15 of the CLP 2015 and Government guidance within the NPPF.

Air Quality

- 8.37 Policy ESD 1: Mitigating and Adapting to Climate Change Measures contained within the Cherwell Local Plan 2011-2031 Part 1 states that measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include: Distributing growth to the most sustainable locations as defined in this Local Plan and delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.
- 8.38 Policy ESD 10: Air quality assessments will also be required for development proposals that would be likely to have a significantly adverse impact on biodiversity by generating an increase in air pollution.
- 8.39 Saved policy ENV1 contained within the Cherwell Local Plan 1996 states that development which is likely to cause materially detrimental levels of noise, vibration, smell, smoke, fumes or other type of environmental pollution will not normally be permitted.
- 8.40 The Site does not lie within an Air Quality Management Area (AQMA). However, it is noted that the closest AQMA is Cherwell District Council AQMA No.1, located approximately c.540m to the west of the Site. The designated area incorporates Hennef Way between the junctions with Ermont Way and Concorde Avenue which leads to the roundabout at Junction 11 of the M40.
- 8.41 There is already severe traffic congestion leading into the M40 Junction 11 gyratory along the A422 at Hennef Way from Banbury town centre and across the Wildmere Road/Ermont Way roundabout junction, some 300m west of the gyratory. The congestion is so severe and regular that Hennef Way has been designated an Air Quality Management Zone such is the poor air quality in the area. The proposed development would only add to traffic volumes and congestion in the locality and would therefore likely exacerbate air quality problems. The submission has thus far failed to demonstrate how such detrimental impacts could be satisfactorily mitigated.

Drainage and Flooding Impacts

- 8.42 Policy ESD 6: Sustainable Flood Risk Management within the Cherwell Local Plan 2011-2031 Part 1 states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding. Site specific flood risk assessments will be required to accompany development proposals of 1 hectare or more located in flood zone 1.

- 8.43 Policy ESD 7: Sustainable Drainage Systems (SuDS) All development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SuDS can be used on particular sites and to design appropriate systems. In considering SuDS solutions, the need to protect ground water quality must be taken into account, especially where infiltration techniques are proposed. Where possible, SuDS should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SuDS will require the approval of Oxfordshire County Council as LLFA and SuDS Approval Body, and proposals must include an agreement on the future management, maintenance and replacement of the SuDS features.
- 8.44 Policy ESD 8: Water Resources states that the Council will seek to maintain water quality, ensure adequate water resources and promote sustainability in water use. Water quality will be maintained and enhanced by avoiding adverse effects of development on the water environment. Development proposals which would adversely affect the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted. Development will only be permitted where adequate water resources exist or can be provided without detriment to existing uses. Where appropriate, phasing of development will be used to enable the relevant water infrastructure to be put in place in advance of development commencing.
- 8.45 Saved policy ENV7 contained within the Cherwell Local Plan 1996 states that development which will adversely affect to a material level, the water quality of surface or underground water bodies, including rivers, canals, lakes and reservoirs, as a result of directly attributable factors, will not be permitted.
- 8.46 The site is in Flood Zone 1 with a low risk of flooding but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required for assessment. The provision of such has not been submitted with an outline assessment provided.
- 8.47 OCC as Local Lead Flood Authority (LLFA) have assessed the submission and have objected. LLFA advise that as part of this application, a full drainage strategy including drawings and calculations are required to fully assess the proposal and which have not been provided to date.
- 8.48 The Environment Agency have also commented upon the proposal and have stated that whilst they have no objections to the proposal, connection to mains foul drainage is not feasible and therefore other options would need to be considered in conjunction with the hierarchy of drainage options outlined within Government guidance contained within the National Planning Practice Guidance (Water supply, wastewater and water quality – considerations for planning applications, paragraph 020). This has not been done to date.
- 8.49 Having regard to the above, it is considered that the application fails to comply with Policies ESD6 and ESD10 of the CLP 2015 and Government guidance within the National Planning Policy Framework and therefore would warrant a reason for refusal.

Landscape Impacts

- 8.50 Policy ESD 13: Local Landscape Protection and Enhancement Opportunities within the Cherwell Local Plan 2011-2031 Part 1 will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be

expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would: Cause undue visual intrusion into the open countryside Cause undue harm to important natural landscape features and topography Be inconsistent with local character Impact on areas judged to have a high level of tranquillity.

- 8.51 The Site has two distinct topographical characters which together influence the character of the site and the wider landscape context. The main area of the Site falls gently to the west and northwest with local undulations. This land lies at approximately 100m AOD to 110m AOD. To the east the Site ascends quickly to form a local ridge which extends up to 160m AOD beyond the eastern boundary of the site.
- 8.52 The Proposed Development lies within the gently rolling, limestone hills and valley landscape of the 'Northamptonshire Uplands' National Character Area 95 (NCA). At a county level the Site is across the 'Clay Vale' and 'Upstanding Village Farmlands' landscape character type, as set out in the Oxfordshire Wildlife and Landscape Study. The Clay Vale landscape is associated as a flat, low-lying landform with small pasture fields, many watercourses and hedgerow trees and well-defined nucleated villages. The Upstanding Village Farmlands landscape is associated with elevated landform, with a strong pattern of hedgerows and nucleated villages; this is consistent with the western part of the Site where the topography rises to form a slope.
- 8.53 The site consists of open, agricultural land with field hedges and trees that contribute to its rural character. The land has not rare or valuable attributes and does not form part of a valued landscape with reference to NPPF paragraph 174. The change in topography from west to east is a feature of the site and marks a transition from the settled vale adjoining Banbury to the more deeply rural landscape to the east. The landscape of the site reflects published characteristics of the local landscape character types but the immediately adjoining urban edge, employment land and highway infrastructure are also key features of the local landscape, reflecting the site location on the edge of the wider urban area. The site creates a transitional area of land between the present urban edge and this more deeply rural landscape to the east.
- 8.54 The applicant has indicated that the sensitivity of the site has been assessed in the Cherwell District Council Banbury Landscape Sensitivity Assessment prior to the construction of the Frontier Park employment land to the immediate west of the Site. The assessment identified a generally medium sensitivity to the landscape and medium high sensitivity to the visual sensitivity. They consider that this baseline has now been changed due to the influence of the adjoining employment development and that the overall residual landscape and visual harm arising from the development is to be less than significant due to the illustrative landscape strategy for mitigation and its potential to contain detrimental effects to the site.
- 8.55 However, it is noted that the Inspector stated at the time the application site was put forward for inclusion within the updated local plan, that amongst other matters, that only land west of the A361 (i.e., not the current application site) should be allocated for new employment development in the modified plan and none of that to the east of the road, even as a strategic reserve site as this would have the considerable benefit of reducing the very harmful landscape and potential environmental effects of the wider scheme on a main entrance to the town from the north, south east and east, as well as that on the largely rural landscape of the locality. On this basis, the authority can see no reason, through the evidence submitted to depart from the Inspectors previous findings with particular reference to landscape and visual harm.

- 8.56 The submission states that the site creates a transitional area of land between the present urban edge and the more deeply rural landscape to the east. The CPRE considers this not to be the case with the view put forward that it is in fact contiguous with and an integral part of the rural landscape running east from the site into West Northamptonshire. Furthermore, the sensitivity of the site has been assessed in the Cherwell District Council Banbury Landscape Sensitivity Assessment prior to the construction of the Frontier Park employment land to the immediate west of the site. The assessment identified a generally medium sensitivity to the landscape and medium high sensitivity to the visual sensitivity. They consider that this baseline has now been changed due to the influence of the adjoining employment development. However, no evidence has been put forward to make this assertion regarding the baseline change, a view shared by CPRE.
- 8.57 As a further comment on the visual aspects of the proposal, the applicant states that the development proposals are in outline and consist of a number of large scale-built forms to accommodate employment uses. These are set within a layout that retains structural hedgerows and trees and avoid the ascending landforms found to the east of the land parcel. At this stage the proposal is in outline form and the site layout is indicative only and would be determined at reserved matters stage. This approach incorporates inherent mitigation that assists with limiting the potential for significant landscape and visual harm.
- 8.58 Furthermore, the application indicates that the heights of the proposed structures are 19m (62.7ft) and 24m (79ft). These are significantly higher than the constructions on Frontiers Park which at 17m (56.1ft) and 15m (50ft) are already highly prominent in the landscape to the west of the A361. The envisaged mitigations would be dwarfed by the proposed development which would obscure viewing of the upper reaches of the site from any conceivable angle of view for miles around which would not be supported.
- 8.59 On this basis, it is considered that the application has failed to demonstrate through the submission of a sufficiently detailed Landscape and Visual Impact Assessment that the proposals would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

Archaeology Impacts

- 8.60 Policy ESD 15: The Character of the Built and Historic Environment within the Cherwell Local Plan 2011-2031 Part 1 states that new development proposals should: Conserve, sustain and enhance designated and non-designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG. Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG. It should also provide Include information on heritage assets sufficient to assess the potential impact of the proposal on their significance. Where archaeological potential is identified this should include an appropriate desk-based assessment and, where necessary, a field evaluation.
- 8.61 The archaeological potential of the Site has been considered in a Desk-Based Assessment. This concluded that there is some potential for Romano-British archaeology within the site relating to the low-intensity settlement and agricultural

activity recorded on land immediately to the west. The assessment, taking a precautionary approach, considers that such remains would be of low value, at most and that the loss of such remains would be high as a result of groundworks associated with the development proposal.

- 8.62 Oxfordshire County Council's Archaeologist has been consulted on the proposal and commented that the site is in an area of archaeological importance and therefore recommend that prior to determination of the application, an archaeological field evaluation should be carried out. At this time, no such evaluation details have been provided for assessment. Having regard to the above, it is considered that the application fails to comply with Policies ESD15 of the CLP 2015 and Government guidance within the National Planning Policy Framework and therefore would warrant a reason for refusal.

Planning Obligations

- 8.63 The Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by: Working with partners, including central Government, and other local authorities, to provide physical, community and green infrastructure Identifying infrastructure needs and costs, phasing of development, funding sources and responsibilities for delivery Completing a Developer Contributions SPD to set out the Council's approach to the provision of essential infrastructure including affordable housing, education, transport, health, flood defences and open space. Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities.

- 8.64 The proposal would seek to provide up to 140,000sq.m of commercial floorspace. Given the scale of the development, the Planning Obligations SPD specifies a minimum requirement to provide employment and training opportunities. In this case it equates to 3 no. Apprenticeships per 1,000sqm of floor space provided. As such, the proposal would need to provide a minimum of 420 apprenticeships through the provision of an Employment, Skills and Training Plan which would be secured through a S.106 agreement.

- 8.65 In this case the proposed development would require significant highway improvement works along the A361 and M40 J11, which OCC Highways have outlined the below figures for mitigation works on the basis that such works would not give rise to adverse highway impacts elsewhere in the locality as further assessment and modelling is yet to be undertaken.

- £1,069,970 – Highway Improvement Scheme to relieve congestion on Hannef Way.
- Amount TBC – Delivery of an A422 to Overthorpe Road link road (or similar mitigation).
- £600,000 – To establish bus service to site.
- £2,563 – Travel Plan Monitoring.
- Amount TBC – Admin fee.

- 8.66 These mitigation measures which have yet to be agreed, would be secured through a S.106 agreement (Appendix A). However, in the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to

make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to policy INF 1 of the Cherwell Local Plan 2015, Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

9. PLANNING BALANCE AND CONCLUSION

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not normally refused unless outweighed by other material consideration.
- 9.2 In terms of this application, it is not considered that the principle of development can be supported in this case and is therefore recommended for refusal on the basis of it being an unallocated site in an inappropriate location and is contrary to Policy SLE1 of the CLP and Government guidance within the NPPF.
- 9.3 The development is also not currently considered acceptable in terms of highway impacts with a lack of information provided to assess the development. OCC Highways and Highways England who have raised objections to the current submission and would therefore fail to provide safe access to the site and fails to comply with Policy ESD15 of the CLP 2015 and Government guidance within the NPPF.
- 9.4 The application site is located immediately west of an existing Air Quality Management Zone and the proposal as submitted fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.
- 9.5 The proposal fails to adequately assess the economic impacts upon the town of Banbury, specifically the attractiveness, vitality and viability of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic on the strategic and local highway network. The proposal is therefore contrary to policies SEL1 and SEL2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 Saved Policies (CLP 1996) and Government guidance within the National Planning Policy Framework.
- 9.6 In terms of flood risk and drainage, the site lies in Flood Zone 1 and is therefore at low risk of flooding. OCC as Local Lead Flood Authority have objected to the proposal on the grounds of lack of detail and information. To date this objection has not been resolved and therefore the proposal is contrary to policy ESD6 and ESD10 of the CLP 2015 and Government guidance within the National Planning Policy Framework.
- 9.7 The application has failed to demonstrate through the lack of submission of a Landscape and Visual Impact Assessment that the proposals would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.

- 9.8 The proposal has failed to adequately assess the sites archaeology and consequently the development may cause harm to significant archaeological remains and in the absence of the evaluation it is not possible for the Council to reach an informed decision on this issue. The proposal is therefore contrary to Policy ESD 15 of the Cherwell Local Plan 2011-2031, Policy EN47 of the Non-Statutory Cherwell Local Plan 2011 and paragraph 128 of the National Planning Policy Framework.
- 9.9 The submission includes the provision of a BIA metric. The Ecologist has noted that this has been updated with a less ambitious habitat enhancement (now proposing other neutral grassland rather than lowland meadow) which whilst considered to be more realistically achieved it does mean that the net gain demonstrated is significantly reduced and this has not been reflected in the current illustrative landscape masterplan. Therefore, at this stage the authority is unable to fully ascertain what level of biodiversity net gain.
- 9.10 In the absence of an appropriate protected species survey the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with Policy ESD10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
- 9.11 The proposal would result in the loss of a substantial number of trees that are subject to Tree Preservation Orders (TPO) for which no justification or replacement has been provided. As such, the proposal fails to accord with Policy EDS10 of the Cherwell Local Plan 2011-2031 and Government guidance contained within the National Planning Policy Framework.
- 9.12 In terms of Planning Obligations, a section 106 has not yet been agreed and drafted, and the issue of the viability of the development in terms of infrastructure contributions has not yet been resolved. A reason for refusal relating to the lack of a completed Section 106 is therefore also recommended.

10. RECOMMENDATION

- (i) **THAT THE COMMITTEE RESOLVE TO CONFIRM THAT, HAD THE POWER TO DETERMINE THE APPLICATION HAVE CONTINUED TO REST WITH THEM, THEY WOULD HAVE REFUSED THE APPLICATION FOR THE REASONS SET OUT BELOW;**
- (ii) **THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO AGREE THE COUNCIL'S APPEAL SUBMISSIONS. THIS SHALL INCLUDE POWERS TO VARY OR REMOVE ANY OF THE COUNCIL'S REASONS FOR REFUSAL IF CONSIDERED APPROPRIATE TO PROTECT THE INTERESTS OF THE COUNCIL;**
- (iii) **THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, HAVING REGARD TO THE HEADS OF TERMS SET OUT WITHIN APPENDIX 1 BELOW, TO NEGOTIATE AND COMPLETE AN AGREEMENT CONTAINING OBLIGATIONS PURSUANT TO S106 OF THE TOWN AND COUNTRY PLANNING ACT (AS AMENDED) RELATING TO ANY PLANNING APPEAL SUBMITTED AGAINST THE DECISION ISSUED UNDER 22/01488/OUT; AND**

(iv) THAT POWERS BE DELEGATED TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT, OR AN OFFICER NOMINATED BY THEM, TO NEGOTIATE AND COMPLETE A LIST OF PLANNING CONDITIONS RELATING TO ANY PLANNING APPEAL SUBMITTED AGAINST THE DECISION ISSUED UNDER 22/01488/OUT

REASONS FOR REFUSAL

1. The proposal is located on an unallocated site and development would represent an urbanising form of development which by reason of its location and proposed land use would result in a cluster of large warehouse buildings poorly related to Banbury that would result in a harmful visual intrusion of development into the landscape and open countryside and would therefore result in harm to the rural character, appearance and quality of the area. This identified harm would significantly and demonstrably outweigh the benefits of the proposal. Development would therefore fail to accord with Cherwell Local Plan 2011-2031 Part 1 policies ESD10, ESD13 and ESD15 and Cherwell Local Plan 1996 saved policies C7, C8 and EMP4, and with national policy guidance given in the National Planning Policy Framework (NPPF) (2021).
2. The proposed development would be sited in a geographically unsustainable location with poor access to services and facilities and therefore future employees would be highly reliant on the private car to access their workplace, which would not reduce the need to travel and would result in increased car journeys and hence carbon emissions. The proposed development would therefore conflict with policies PSD1, SLE4 and ESD1 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework. This identified harm would significantly and demonstrably outweigh the benefits associated with the proposed development and therefore the development does not constitute sustainable development when assessed against the National Planning Policy Framework as a whole.
3. The appeal site is located in an unsustainable location for cycling and walking. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
4. The proximity of the access roundabout to M40 Junction 11 is likely to lead to severe congestion and potential safety issues arising from queuing on the M40 off slip. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
5. Any further development around Junction 11 of the M40 will add to the severe congestion and air quality problems on the A422, particularly along Hennef Way. This development does not demonstrate how it would mitigate its impact on these issues through adequate sustainable travel connections or by highway improvements. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
6. Safe and suitable operation of affected highway junctions has not been demonstrated by the use of a suitable analysis tool. It has been agreed with the Appellant's transport consultant and National Highways that microsimulation

modelling (such as VISSIM) is required to accurately represent the flow of vehicles at all primary local junctions and the interaction between them. Without such analysis and resultant appropriate mitigation, the proposal is contrary to policies SLE1, SLE4 and INF1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.

7. It has not been demonstrated that a signalised crossing of the A361 Daventry Road for pedestrians and cyclists may be incorporated at a safe and suitable location, and the associated access into the site has not been indicated. The proposal is therefore contrary to policies SLE1 and SLE4 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
8. The site is located immediately west of an existing Air Quality Management Zone and the proposal fails to adequately assess or mitigate against air quality matters as a result of increased vehicle movements associated with the development. The proposal is therefore contrary to policies SLE1, SLE4 and ESD1 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policies TR1 and ENV7 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
9. The proposal fails to assess the potential economic impact upon Banbury, specifically the attractiveness of Banbury town centre and the edge of town retail and employment centres as a result of additional traffic and congestion on the strategic and local highway network rendering Banbury a less sustainable location. The proposal is therefore contrary to policies SLE1 and SLE2 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1), saved policy TR1 contained within the Cherwell Local Plan 1996 (CLP 1996) and Government guidance within the National Planning Policy Framework.
10. The proposal lacks detail and information relating to the drainage of the site and is therefore contrary to Oxfordshire County Council's published guidance "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire" and policies ESD6 and ESD7 of the adopted Cherwell Local Plan 2015 and Government guidance within the National Planning Policy Framework.
11. The application has failed to demonstrate through the lack of submission of a Landscape and Visual Impact Assessment that the proposals on this prominent site would not cause substantial landscape harm to the undeveloped rural character and appearance of the site when viewed from Public Rights of Way in the surrounding countryside. As such, the proposal is contrary to policies ESD10, ESD13 and ESD15 contained within the Cherwell Local Plan 2011-2031 Part 1 (CLP 2031 Part 1) and Government guidance within the National Planning Policy Framework.
12. The proposal has failed to adequately assess the site's archaeology and consequently the development may cause harm to significant archaeological remains and in the absence of any evaluation it is not possible for the Council to reach an informed decision on this issue. The proposal is therefore contrary to policy ESD 15 of the Cherwell Local Plan 2011-2031 and paragraph 128 of the National Planning Policy Framework.
13. The proposal has failed to adequately demonstrate that development would not harm existing flora and fauna and ecological mitigation would successfully deliver a 10% net gain in biodiversity or protection, enhancement and connectivity with the

local green infrastructure network. As such the proposal fails to accord with policies ESD10 and ESD17 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. In the absence of an appropriate protected species survey, the welfare of protected species has not been adequately addressed in accordance with article 12(1) of the EC Habitats Directive. The Local Planning Authority cannot therefore be satisfied that protected species will not be harmed by the development and as such the proposal does not accord with policy ESD10 of the Cherwell Local Plan 2011-2031, saved policies C1 and C2 within the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.
15. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure contributions required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and workers and contrary to policy INF 1 of the Cherwell Local Plan 2015, CDC's Planning Obligations SPD 2018 and Government guidance within the National Planning Policy Framework.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Highway Improvement Scheme to relieve congestion on Hannef Way.	£1,069,970	Upon completion of the S.106	TBC
Delivery of an A422 to Overthorpe Road link road (or similar mitigation).	TBC	Upon completion of the S.106	TBC
Bus Service contribution, for the establishment of bus services to and from the site.	£600,000	<p>First instalment of £150,000 upon commencement of development.</p> <p>Three further separate payments of £150,000 upon occupation of 1000sqm, 50,000sqm and 75,000sqm of floorspace respectively.</p>	<p>Necessary to ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related as these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind. The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>

Employment, Skills and Training Plan (ESTP) to secure a minimum of 420 no. apprenticeships.		Upon commencement of development.	
Obligation to enter into a S278 agreement to secure Highway Works and Traffic Regulation Order (if not dealt with under S278/S38 agreement) both on and offsite.			TBC
Travel Plan Monitoring fee	OCC: £2,563	On completion of the S106	TBC
CDC and OCC Monitoring fee	CDC: £5,500 OCC: £TBC	On completion of the S106	The CDC charge is based upon its recently agreed Fees and Charges A registration charge of £500 is also applicable. OCC to advise on their monitoring costs

Agenda Item 13
22/02491/CDC

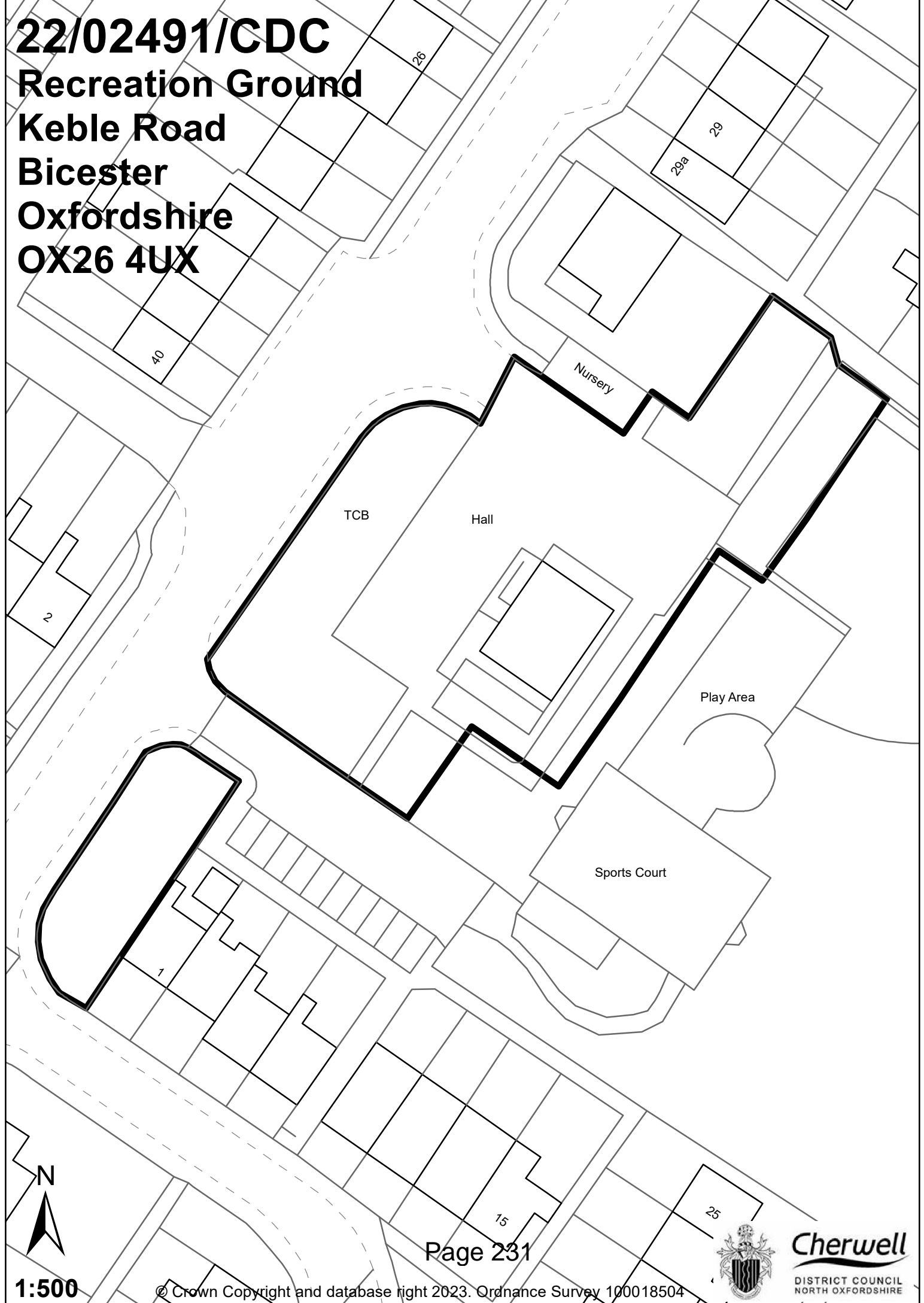
**Recreation Ground
Keble Road
Bicester
Oxfordshire
OX26 4UX**



1:600



22/02491/CDC
Recreation Ground
Keble Road
Bicester
Oxfordshire
OX26 4UX



22/02491/CDC

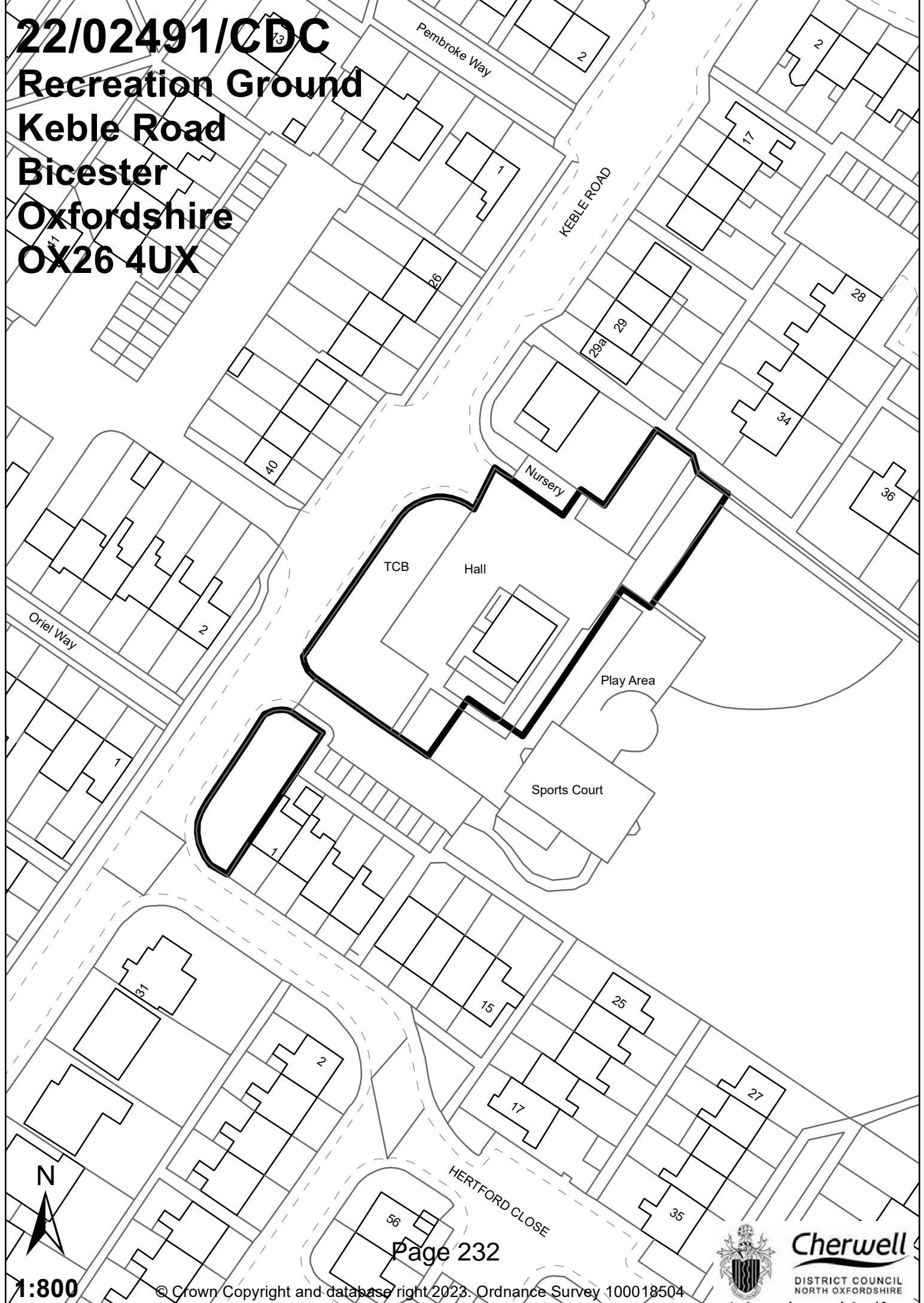
Recreation Ground

Keble Road

Bicester

Oxfordshire

OX26 4UX



1:800



Case Officer: Rebekah Morgan

Applicant: Cherwell District Council

Proposal: Demolition of existing Bicester East Community Centre and construction of new community hall, 6no. dwelling and car parking. Removal of Public Telephone Kiosk and repositioning of footpath.”

Ward: Bicester East

Councillors: Cllr Dallimore, Cllr Ford, and Cllr Mould

Reason for Referral: Application affects the Council’s own land, and the Council is the applicant.

Expiry Date: 14 February 2023

Committee Date: 9 February 2023

SUMMARY OF RECOMMENDATION: GRANT PERMISSION, SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is application site is located in a residential area of Bicester to the northeast of Bicester Town Centre. The site comprises of the existing Bicester East Community Centre and some additional land which is currently used for car parking and community/recreational use. There is a public telephone box located on the front of the site immediately adjacent to the footpath.
- 1.2. The existing community centre building is a modular building with shallow felt roof. The walls are finished in predominantly grey render with single glazed windows. The building was designed to be a temporary structure and was constructed in 2007/2008.

2. CONSTRAINTS

- 2.1. The application site is within located within a built up, residential area. The associated land is for community/recreational uses. There are trees within and in close proximity to the application site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks consent for the demolition of the existing community centre building, removal of the public telephone box and replacement with a new building (located on the north side of the site) and 6 dwellings (located on the west side of the site), with associated car parking.
- 3.2. *Community Centre:* The proposed community centre building would measure approximately 19m x 13.5m with a maximum height of approximately 6.8m. The building would contain a large community hall, storage, kitchen, meeting room and toilet facilities. The proposal includes a covered patio/veranda as an integral part of the design. The building is single storey but has a sloping, mono-pitch roof to the community hall to facilitate indoor sports. The building would be finished in brick with some render detailing.

- 3.3. *Dwellings:* The proposal includes 6 dwellings arranged in three pairs. The dwellings are proposed to be two storeys with the plans showing four 3-bedroom dwellings and two 2-bedroom dwellings. Each pair of dwellings has a footprint of approximately 11.2m x 9.3m with a height of 8.4m. Each dwelling has 90 m² of floor space. The dwellings are arranged with gardens to the rear and parking to the front.
- 3.4. The reconfiguration of the existing car park will also result in the provision of two additional parking spaces for the adjacent nursery.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

01/00551/CDC - Temporary siting of Portakabin for Community Use. APPROVED

02/01966/F - Erection of 1 no. portacabin. APPROVED

04/01887/F - Temporary planning consent for the erection of 1 no. portacabin. APPROVED

05/01453/F - Removal of existing portacabin and erection or replacement community centre. APPROVED

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

18/00281/PREAPP: Either: A) a replacement community hall of around 2,500 sq. ft plus six semidetached dwellings, broadly mirroring the dwellings opposite in terms of scale, layout, and footprint. Or: B) A replacement hall of around 4,500 sq. ft on ground floor and segregated parking and amenity areas.

- 5.2. The pre-application report concluded:

'The principle of development is considered to be acceptable and would potentially result in a significant enhancement both visually and in the provision of community facilities for the local area. The site is not considered to be particularly sensitive and therefore there is some flexibility in the final design, but we would encourage attention to be given to designing a building that improves on the existing and is of some architectural interest in terms of design and the materials used.

I have concerns at this stage with Option B, in particular the likely scale of the building and its impact on the site and surrounding area.

The number of parking spaces required for each option does not appear to be achievable at this stage, and thus the scheme may need to be amended to account for this.'

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 01 February 2023.
- 6.2. 14 representations have been received: 5 objecting, 2 supporting and 7 comments. The comments raised by third parties are summarised as follows:

- Existing issues with parking when large community events occur
- Insufficient parking proposed for the community centre and the nursery
- Impact on highway safety
- The enhanced facilities will be a benefit for Bicester
- New houses will help with housing shortage
- The improved facilities should be paid for from the community's budget and not by selling off land for housing
- Schedule of works suggest existing facility will need to be closed and houses built/sold before work can commence on the new facility. Overall, it will create months of disruption from construction
- The new centre should be located on the site of the existing one
- The proposal will enclose the playing fields/play area and reduce the natural surveillance of the area, impacting on safety
- The application has not considered 'secure by design' as required by Policy ESD15 of the CLP 2015

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BICESTER TOWN COUNCIL: Welcome the new facility but echoed the concerns residents have with the future parking system.

CONSULTEES

7.3. OCC HIGHWAYS: No objections subject to standard conditions in respect of electric vehicle charging and cycle parking provision.

Further comments following re-consultation state: 'The D&A statement states that all dwellings will be fitted with their own cycle parking facilities, but this has not been shown on the most recent edition of the Site Plan. I also note that the E/V charging infrastructure has not been included in either document.'

7.4. CDC RECREATION TEAM: No comments

7.5. CDC ENVIRONMENTAL PROTECTION OFFICER: Made the following comments:

- Noise: No comments
- Contaminated land: No comments
- Air quality: No comments
- Odour: No comments
- Light: No comments

- 7.6. CDC ARBORICULTURAL OFFICER: **No objections**, subject to conditions requiring tree re-planting and the submission of an arboricultural method statement.
- 7.7. THAMES VALLEY POLICE DESIGN ADVISOR: **objection**, I acknowledge the additional information provided within the DAS, however this does not address the majority of comments previously made. I maintain fundamental concerns regarding the proposals and layout, for the same reasons documented in my previous response. It should be noted that CCTV cannot be considered a "silver bullet" in reducing or preventing crime and ASB, and I also question the deliverability of the proposed CCTV scheme without impacting the privacy of the proposed residential dwellings. Unfortunately, therefore I must maintain my objection to this application in its current form.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the district to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1: Presumption in Favour of Sustainable Development
- BSC10: Open Space, Outdoor Sport and recreation Provision
- BSC12: Indoor Sport, Recreation and Community Facilities
- ESD1: Mitigating and Adapting to Climate Change
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD5: Renewable Energy
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15: The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28: Layout, design, and external appearance of new development
 - C30: Design of New Residential Development
 - C31: Compatibility of proposals in residential areas
- 8.3. Other Material Planning Considerations
- National Planning Policy Framework (NPPF)
 - Planning Practice Guidance (PPG)
 - Cherwell Design Guide SPD

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Highway safety
- Impact on trees
- Other matters

Principle of development

9.2. The NPPF states *'the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.'*

9.3. Paragraph 99 of the NPPF states *'Existing open space, sports and recreation buildings and land, including playing fields, should not be built on unless:*

- a) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) The development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current former use.*

9.4. Policy BSC10 of the CLP 2015 (open space, outdoor sports and recreation provision) seeks to protect existing sites. Policy BSC12 of the CLP 2015 (indoor sport, recreation, and community facilities) states *'the Council will encourage the provision of community facilities to enhance the sustainability of communities, and encourage partnership working to ensure that built sports provision is maintained in accordance with local standards of provision by the following means:*

- Protecting and enhancing the quality of existing facilities
- Improving access to existing facilities
- Ensuring that development proposals contribute towards the provision of new or improved facilities where the development would generate a need for sport, recreation and community facilities which cannot be met by existing provision

9.5. The application site comprises of the existing community centre land and an area of public open space. The existing community centre building was clearly designed as a temporary building and requires replacement. The development proposes to replace it with a purpose built, permanent structure that would be located on a section of public open space. The replacement facility would represent a significant enhancement (in terms of quality of provision) to the existing community facilities.

9.6. The proposal also includes the development of 6 no. dwellings on the site of the existing community centre would be a small loss in terms of land currently used for public open space. The proposal also includes the removal of a public telephone box and the repositioning of an existing pedestrian path that provides a link from the

residential area into the public open space. The path would be repositioned by approximately 7.5m and run along the front of the proposed community centre.

- 9.7. The application site is within an existing, built-up residential area, so the provision of a new community centre is not linked to any large scale, allocated development. As such, the proposed development would be funded by Cherwell District Council. Documents have been submitted to demonstrate that the dwellings are required to make the scheme financially viable and cover the cost for the replacement community centre. Without the inclusion of market housing, the project would not be able to go ahead.
- 9.8. Paragraph 99 of the NPPF states that existing facilities should not be built on unless the proposal meets one of the exemptions. In this case, criterion b) should be considered – *‘the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.’*
- 9.9. The replacement community centre would provide a facility that is of a much better quality than the existing centre. The design includes a higher roof to the main hall which will facilitate a wider range of activities including indoor sport. The external space includes a covered patio area, which could include a seating area and a small garden, both of which can be accessed via the community hall. Furthermore, the building remains on land at the heart of the local community, so it will continue to serve the residents in this part of Bicester.
- 9.10. The replacement community centre would result in significant improvements to the quality and quantity of community uses that can be offered in this location. Evidence has been supplied to demonstrate that the proposed housing is required to make the scheme financially viable. Whilst the proposal results in a small reduction in open space, the overall benefits of the scheme clearly outweigh this. Overall, the principle of the proposal is considered to accord with Policy BSC10 of the CLP 2015 and Government guidance contained within the NPPF.

Design and impact on the character of the area

- 9.11. Paragraph 126 of the NPPF states *‘The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.’* Chapter 12 of the NPPF goes on to set out the importance of good design to help create positive places for people to live in. The focus on high quality design is echoed in Policy ESD15 of the CLP 2015.

Community Centre

- 9.12. The design of the proposed community centre is modern and functional. The sloping roof to the main hall is a practical design feature to add internal height but also offers an interesting element to the design.
- 9.13. The proposed materials palette is reflective of the surrounding area incorporating a buff brick, but with render elements and a modern finish to the roof. The building will complement the surrounding dwellings, but the design would allow it to stand out as a recognisable community building.
- 9.14. The submitted design and access statement states *‘Both the houses and community hall will be designed to go beyond the basic requirements addressing the matter holistically. Each building will embrace energy and water conservation measures and techniques but will also have the flexibility to adapt to changes and advance in*

technologies. It goes on to set out that a 'fabric first' approach would be taken in construction and the use of photovoltaics would be investigated.

Dwellings

- 9.15. It is proposed that the dwellings would front onto Keble Road which is reflective of the residential layout of the surrounding area. The scale and massing of the dwellings mimics the existing form of residential development in the area. The design of the dwellings is simple; two storey dwellings arranged in pairs and constructed in brick with tile roofs and small storm porches. The dwellings have parking to the front and gardens to the rear.
- 9.16. The proposed dwellings would not appear out of keeping in the area and would not be overly prominent in the street scene. The design complements the existing character of the area and is considered to be acceptable.

Overall layout

- 9.17. The proposal to relocate the community centre to the side and construct dwellings along the road results in a built form that occupies a large portion of the street frontage along Keble Road. Third party comments have raised concerns about a reduction in visibility of the play areas/playing fields from the main road and questioned if the proposal meets 'Secure by Design' standards.
- 9.18. Whilst the dwellings would span a wider area of the road frontage than the existing community centre, the layout is designed to still allow views through the playing fields on either side. The dwellings themselves would also offer some natural surveillance of the area in a similar way to the existing dwellings that surround the playing field.
- 9.19. The site is constrained because it provides existing public open space and sports facilities. Therefore, there are limited options for laying out the site without impacting on the existing community provision. The layout replicates the surrounding development pattern and provides an acceptable relationship with the street scene.
- 9.20. The Thames Valley Police Design advisor has raised objections to the proposal and provided detailed comments. With regards to the dwellings, there are concerns about the potential vulnerability of the properties because of the block arrangement with the properties backing on to public areas in a similar manner to the existing properties in this area. There are also concerns about impact on surveillance of the playing areas and comments relating to potential vulnerabilities in the community centre design.
- 9.21. The applicant has addressed some of the issues raised in their revised Design and Access Statement. Unfortunately, due to the site constraints, the proposal cannot be amended to provide layout that prevents rear access to the dwellings. The new community centre would be designed with greater crime prevention features than the existing centre, so it is not considered an inappropriate location for a community centre.
- 9.22. Comments relating to mixed parking provision (for the community centre and residents) have been noted. However, the existing community centre and nursery do not have demarcated spaces and there are no restrictions preventing residents from using the space at present. Therefore, the proposed scheme would not differ significantly from the existing situation. Impacts on highway safety and levels of parking provision are dealt with later in this report.
- 9.23. Conditions require details of boundary treatments and lighting, so these can be designed to offer the best security for the residents. Whilst Policy ESD15 promotes that new developments should achieve 'Secured by Design' accreditation, it is unlikely that this can be achieved in this instance. For example, the proposed layout would

not allow for defensive space between the rear boundary and the accessway, and to include a setback in this area would further reduce the size of the rear garden areas which are already relatively small.

- 9.24. It is accepted that the proposal would reduce some of the natural surveillance of the public open space, however, given the size of the open space and the layout of the residential estate, those who want to participate in anti-social behaviour will find opportunities in the existing area (for example behind the existing community centre), therefore, the proposal would not make this significantly worse. The new dwellings would have a similar relationship with the area of open space.
- 9.25. The proposed dwellings and community centre are uses that are compatible with the surrounding residential area and appropriate for this location. Therefore, the principle of development is considered to be acceptable subject to the other material planning considerations set out in this report.

Residential amenity

Community Centre

- 9.26. The proposed community centre building would be located on the northeast side of the site and sits adjacent to a boundary with neighbouring residential properties. The proposed community centre would be positioned approximately 12m away from the gable of the nearest dwelling at 34 Nuffield Close.
- 9.27. The community centre building is single storey but has a sloping roof which increases the overall height. As the building is located to the side of the neighbouring property (34 Nuffield Close) (facing the gable wall), it would not appear overbearing or overly dominant when viewed from the neighbouring residential property and would not have a detrimental impact on their general outlook.
- 9.28. The Council's Environmental Protection Officer has raised no concerns or objections to the proposal in respect of noise or odour. The community centre is considered to be an appropriate and compatible use to be located within a residential area and would not result in harmful noise or disturbance to the neighbouring residents.

Dwellings

- 9.29. The proposed dwellings would be positioned adjacent to Keble Road. Residential properties are positioned on the opposite side of the road, with approximately 29m front to front distance.
- 9.30. The dwellings would have an appropriate relationship with the surrounding residential properties and would not result in harmful overlooking or impact on general outlook.

Highway safety

- 9.31. The proposal includes the re-configuration of the parking provision for the community centre but utilises the existing access from Keble Road. Several third-party comments have raised concerns about the proposed level of parking provision and potential impacts on the highway.
- 9.32. The Local Highway Authority has raised no objections to the proposal and provided the following comments in relation to parking '*I do not consider the parking to be excessive at this development, with the number of spaces not increasing from the previous development (discounting residential spaces), space use can be interchanged between the community centre and the nursery and should relieve potential stress at drop off and pick up times.*'

- 9.33. The proposed level of parking is considered to be acceptable for the scale of development being proposed. The replacement community centre would be readily accessible on foot or by bicycle and is therefore not reliant on the motor vehicle.
- 9.34. The Local Highways Authority has made comments relating to cycle parking and have suggested appropriate conditions to address this matter. The applicant has submitted an amended site plan showing cycle parking provision within the rear garden.
- 9.35. A condition has also been requested requiring electric vehicle charging points; this matter is now a requirement on Building Regulations and therefore it is not necessary to address as a condition.
- 9.36. Overall, the proposal is considered to represent a safe and suitable scheme in highway safety terms and as such, is considered to be acceptable.

Impact on trees

- 9.37. The proposal requires the removal of 13 trees on the site to facilitate the development. The applicant has submitted an Arboricultural Impact Assessment which classifies all the trees as Category C.
- 9.38. The Council's Arboricultural Officer raised concerns during the application. The main concern related to the proposed re-planting. The redline site area is tightly constrained and therefore it was not clear if there are suitable locations for replacement trees.
- 9.39. The applicant submitted additional information to address the concerns and has supplied a plan showing land that is within their control and therefore available areas where replanting could occur. The Council's Arboricultural Officer has now confirmed that they raise no objections to the proposal subject to conditions to ensure appropriate re-planting is carried out and existing trees are protected during the construction works.
- 9.40. One of trees on the site was planted as part of the 'Queen's Green Canopy' scheme. The applicant has confirmed that this tree will be re-planted on Council land prior to the commencement of development.
- 9.41. The existing trees do have some visual value and the loss of the trees is unfortunate, however, it has been demonstrated that their removal is necessary to enable the development. Re-planting will be secured via condition.

Other Matters

- 9.42. Concerns have been raised by third parties regarding the phasing of the development and concerns the housing will be built prior to the new community centre. The applicant has confirmed that the intention is to build the replacement community centre first to ensure a continuity of community provision. The Council has agreed forward funding of the development with a requirement for funds to be re-paid from the proceeds of the housing.
- 9.43. The principle of the residential development is only supported on the basis that it enables significantly enhanced community facilities; therefore, a planning condition is recommended to ensure the community facilities are provided first.
- 9.44. The proposal requires the removal of a Public Call Box (PCB) to facilitate the development. The removal of a PCB by the telephone operator (BT) is governed by Ofcom guidance and requires a separate process (including specific public consultation) to be followed before removal is allowed. The applicant will need to liaise with BT on this matter to seek consent for the removal of the PCB.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social, and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The proposal would provide additional housing in a sustainable location and a purpose-built community centre. To facilitate the development, the proposal would result in the loss of a small area of public open space. It would also require the removal of trees on the site; however, this is mitigated by either re-planting or replacing the trees.
- 10.3. The Thames Valley Police Design Advisor has raised concerns regarding the proposal and the potential weaknesses in terms of crime prevention. The applicant has addressed these as far as is possible, but given the site constraints, it is difficult to see how the development could proceed without some form of compromise.
- 10.4. Third party representations have raised concerns regarding the level of parking provision that has been proposed, however, these concerns are not shared by the Local Highway Authority. The community centre would be located in a residential area and would be easily accessible on foot or by bicycle.
- 10.5. Officers are satisfied with the evidence supplied to justify the need for market housing to fund the replacement community centre.
- 10.6. On balance, the community benefits of providing a new community centre and the benefits of additional housing provision in this area, are considered to outweigh the loss of a small portion of public open space and the concerns raised by consultees and third parties. Planning conditions are recommended to address issues such as impact on trees, highway safety and design.

11. RECOMMENDATION

GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall commence on the dwellings hereby approved until the new community centre is constructed and operational.

Reason: The proposed dwellings are only considered acceptable in principle to facilitate the provision of the new community centre.

Compliance with Plans

3. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:
 - Application form

- Covering letter
- Design and Access Statement (Version 2) dated December 2022
- Drawing number 5046/G/20/001 Rev P2 – [Location Plan]
- Drawing number 5046/G/20/003 Rev P3 – [Proposed Site Plan]
- Drawing number 5046/G/20/004 Rev P1 – [Proposed Plans Plots 1 & 2]
- Drawing number 5046/G/20/005 Rev P1 – [Proposed Plans Plots 3 & 4]
- Drawing number 5046/G/20/006 Rev P1 – [Proposed Plans Plots 5 & 6]
- Drawing number 5046/G/20/007 Rev P1 – [Proposed Plots 1-6 Street Scene]
- Drawing number 5046/G/20/008 Rev P1 – [Community Hall – Proposed Plans]
- Drawing number 5046/G/20/009 Rev P0 – [Community Hall – Proposed Elevations]

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

General Conditions

4. Prior to commencement of any works to the trees on the site, full details of replacement tree planting, including number, location, species, and size at time of planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the replacement tree(s) shall be planted in the first planting season (mid-November to end of March) following the removal of the tree(s) for which consent has been granted and any tree which, within a period of five years from being planted dies, is removed, or becomes seriously damaged or diseased, shall be replaced in the current/next planting season in accordance with the approved details and the wording of this condition.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

5. Prior to commencement of the development, an arboricultural method statement (in line with BS58737:2012) setting out protective measures and working practices to ensure the protection of retained trees (T1, T2, T6, T13 and T16 as identified within the Arboricultural Impac Assessment), shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the works shall be carried out in accordance with the approved arboricultural method statement.

Reason: In the interests of the visual amenities of the area and to comply with good arboricultural practice and Government Guidance contained within the National Planning Policy Framework.

6. All hard-standing areas (including parking areas) within the site must be constructed from a permeable material, or provision must be made within the site for surface water to discharge to soakaway/ SUDS feature. There must be no increase in surface water run-off from the site to the highway or neighbouring properties as a result of this proposal.

Reason: In the interests of highway safety and flood prevention and to comply with Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

7. Details of any external lighting/security lighting/floodlighting including the design, position, orientation, and any screening of the lighting shall be submitted to and

approved in writing by the Local Planning Authority prior to commencement of those works. The lighting shall be installed and operated in accordance with the approved scheme at all times thereafter.

Reason: To protect the amenities of nearby residents and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996.

Conditions relating to the Community Centre

8. A schedule of materials and finishes to be used in the external walls and roof of the community centre building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works on the community centre building. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

9. Prior to the first use of the community centre hereby approved, full details of the refuse bin storage for the site, including location and compound enclosure details, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the community, the refuse bin storage area shall be provided in accordance with the approved details and retained unobstructed except for the storage of refuse bins.

Reason: In order that proper arrangements are made for the disposal of waste, and to ensure the creation of a satisfactory environment free from intrusive levels of odour/flies/vermin/litter in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. Prior to the first use of the community centre building hereby permitted, covered cycle parking facilities shall be provided on the site in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the covered cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

11. Full details of the enclosures along all boundaries of the community centre shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works. Such approved means of enclosure shall be constructed and retained in accordance with the approved details prior to the first use of the building.

Reason: To ensure the satisfactory appearance of the completed development, and to comply with Policy ESD15 of the Cherwell Local Plan 2015, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Conditions relating to the Dwellings

12. A schedule of materials and finishes to be used in the external walls and roof(s) of the

dwelling(s) shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of those works on the dwellings. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the development is constructed and finished in materials which are in harmony with the building materials used in the locality and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

13. Prior to the first use or occupation of the dwellings hereby permitted, secure cycle parking facilities shall be provided for each dwelling in accordance with details which shall be firstly submitted to and approved in writing by the Local Planning Authority. Thereafter, the secure cycle parking facilities shall be permanently retained and maintained for the parking of cycles in connection with the development.

Reason: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

14. No dwelling hereby approved shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason: In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

15. Full details of the enclosures along all boundaries of the dwellings shall be submitted to and approved in writing by the Local Planning Authority before the dwelling hereby approved reaches slab level and such means of enclosure shall be erected prior to the first occupation of the dwelling.

Reason: To ensure the satisfactory appearance of the completed development, to safeguard the privacy of the occupants of the existing and proposed dwellings and to comply with Policy ESD15 of the Cherwell Local Plan 2015, Saved Policies C28 and C30 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

277 Warwick Road
Banbury
OX16 1AU



22/02517/F

116.7m

**277 Warwick Road
Banbury
OX16 1AU**



277



1:250

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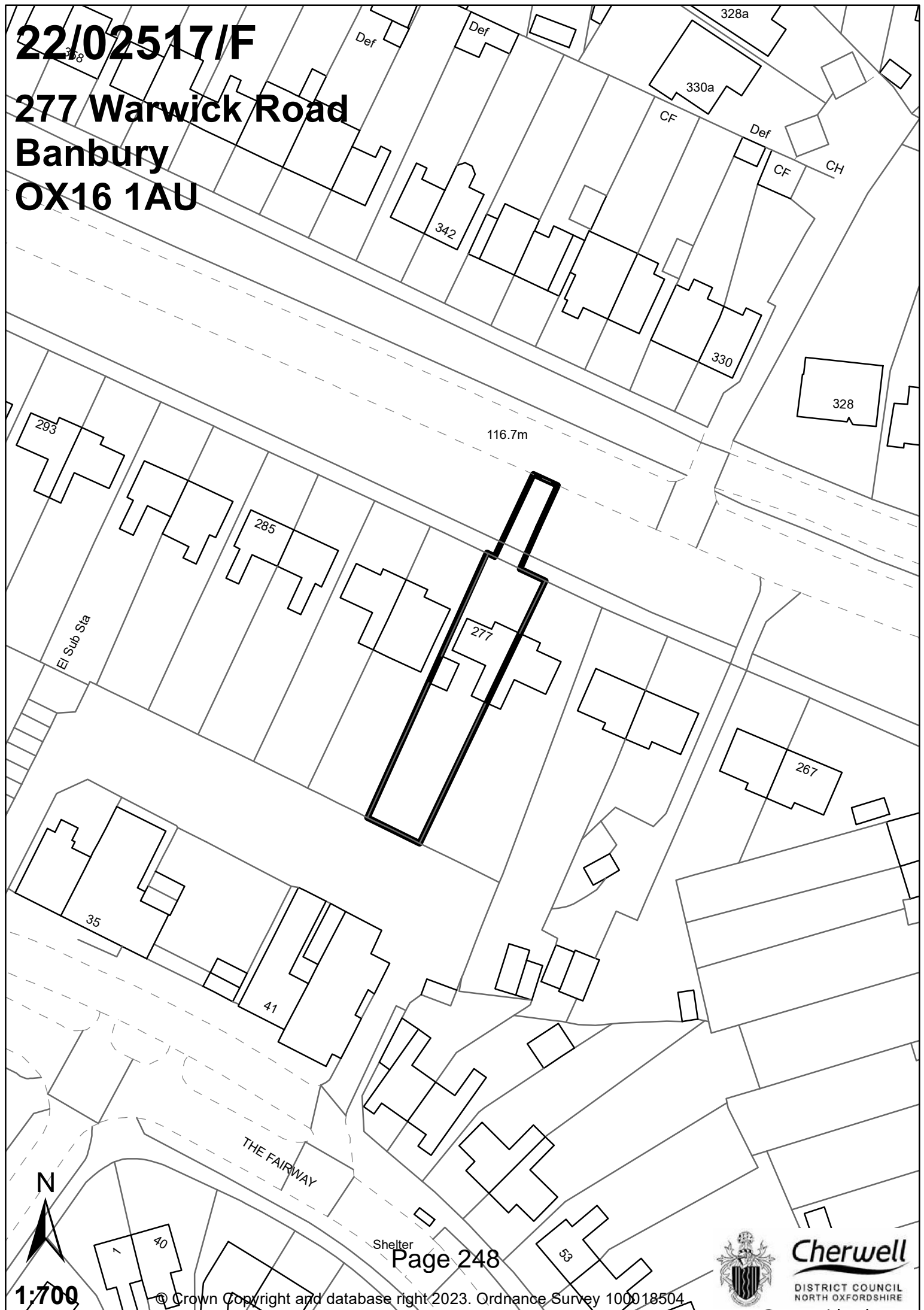
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Cherwell
DISTRICT COUNCIL
NORTH OXFORDSHIRE

22/02517/F

277 Warwick Road
Banbury
OX16 1AU



116.7m

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THE FAIRWAY

Shelter

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1:700



Case Officer: Tomaz Akhter

Applicant: Mr Willow Hobbs

Proposal: Formation of means of access and associated dropped kerb

Ward: Banbury Ruscote

Councillors: Cllr Cherry, Cllr Watkins and Cllr Woodcock

Reason for Referral: Application submitted by a member of staff acting as agent, advisor or consultant

Expiry Date: 14 December 2022

Committee Date: 9 February 2023

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

1. APPLICATION SITE AND LOCALITY

1.1. The application site comprises a semi-detached dwelling that is set back from the road by approximately 23m and is screened from the public domain by well-established hedgerows and trees. The immediate vicinity is characterised by similarly designed semi-detached and terraced dwellings.

2. CONSTRAINTS

2.1. The application property is not listed nor is it situated within proximity to any listed buildings or within a designated conservation area.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. The applicant seeks planning permission to extend an existing dropped kerb on a classified highway, Warwick Road. In addition, as the property's front boundary is 14m from the roadside the applicant is also proposing to create a new means of access, 14m in length, across a grassed area and a public footpath. The access would abut an existing track. The access would serve a new parking area to the front of the applicant's property.

4. RELEVANT PLANNING HISTORY

4.1. There is no planning history directly relevant to the proposal

5. PRE-APPLICATION DISCUSSIONS

5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was 27 January 2023.

6.1. No comments have been raised by third parties

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. BANBURY TOWN COUNCIL – No objections

CONSULTEES

7.3. OCC HIGHWAYS: **No Objections**. This proposal is unlikely to have any detrimental impact on the highway in terms of safety or convenience. Therefore, OCC do not object to the granting of planning permission.

7.4. CDC ARBORICULTURE: **No Objections**, subject to the condition that prior to commencement the submission of an Arboricultural method statement in line with BS5837:2012 is to be submitted for review, outlining protective measures, and working practices to allow successful retention of T1.

7.5. OCC ARBORICULTURE: No comments received.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in favour of sustainable development
- SLE4 – Improved transport and connections
- ESD1 – Mitigation and adapting to climate change
- ESD3 – Sustainable construction
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD15 – The character of the built and historic environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- C32 – Provision of facilities for disabled people

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)

- Planning Practice Guidance (PPG)
- Cherwell Residential Design Guide (2018)

9. APPRAISAL

- 9.1. The key issues for consideration in this case are:
- Design, and impact on the character of the area
 - Highway safety
 - Trees

Design, and impact on the character of the area

- 9.2. As there are a number of similar access tracks along both sides of Warwick Road, the proposed works would have a very limited visual impact within the locality.
- 9.3. As the proposal is considered not to adversely affect the character or visual amenity of the local area, the proposed development complies with Policy ESD15 of the CLP 2015 and Government guidance contained within the NPPF.

Highway safety

- 9.4. The proposed access onto Warwick Road has good visibility splays in both directions and there is space on the adjoining access for vehicles to manoeuvre, so that they can enter onto Warwick Road in a forward gear. The Local Highway Authority has raised no objections to the proposed works.
- 9.5. The proposal therefore accords with Policy ESD15 of the CLP 2015 in this regard, as well as the relevant paragraphs of the NPPF in respect of highway safety.

Trees

- 9.6. The proposed hardstanding would be constructed between two trees, a horse chestnut tree and an oak tree. Notwithstanding the arboricultural method statement submitted with the application, the Council's Arboricultural Officer needs further reassurances that the new access would not unduly affect the root structure of the horse chestnut tree, which is identified as a category B tree and is within 4m of the closest part of the new access. The Arboricultural Officer is looking for further mitigation, most notably the use of an airspade, to ensure that the tree roots are not unnecessarily damaged during construction.
- 9.7. An arboriculture method statement is therefore sought, via condition to ensure that the development accords with Policy ESD15 of the CLP 2015, as well as the relevant paragraphs of the NPPF.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Based on the assessment above, the proposal complies with the relevant Development Plan policies and guidance listed at Section 8 of this report, and so is considered to be sustainable development. In accordance with Paragraph 11 of the NPPF, permission should therefore be granted.

<h2>11. RECOMMENDATION</h2>

<p>GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW</p>

Time Limit

1. development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason – To comply with the provisions of section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchases Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents: Site Location Plan; P03; and the Arboricultural Statement produced by LandArb Solutions.

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Parking Area

3. Prior to the first use of the access hereby approved, the parking area shall be provided in accordance with the plan approved (Drawing No. PO3) and notwithstanding shall be constructed from porous materials or provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the site. Thereafter, the parking and manoeuvring areas shall be retained in accordance with this condition and shall be unobstructed except for the parking of vehicles at all times.

Reason - In the interests of highway safety and flood prevention and to comply with Policies ESD7 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Root Protection

4. Prior to the commencement of the works to form the new access track, an Arboricultural Statement (AMS), undertaken in accordance with BS:5387:2012 and all subsequent amendments and revisions shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, all works on site shall be carried out in accordance with the approved AMS.

Reason – To ensure the continued health of retained tree and to ensure that they are not adversely affected by the constructions work. In the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1966 and Government Local Guidance contained within the National Planning Policy Framework.

Planning Informative

Please note as works are required to be carried out within the public highway, the applicant shall not commence such work before formal approval has been granted by Oxfordshire County Council by way of legal agreement between the applicant and the County Council. This is separate from any planning permission may be granted.

CASE OFFICER: Tomaz Akhter

Agenda Item 15

Cherwell District Council

Planning Committee

9 February 2023

Appeal Progress Report

Report of Assistant Director - Planning and Development

This report is public

Purpose of report

To keep Members informed about planning appeal progress including decisions received and the scheduling of public inquiries and hearings for new and current appeals.

1.0 Recommendations

The meeting is recommended:

- 1.1 To note the position on planning appeals contained within the report.

2.0 Introduction

This report provides a monthly update regarding planning appeals, including new appeals, status reports on those in progress, and determined appeals.

3.0 Report Details

3.1 New Appeals

- a) **22/01488/OUT - OS Parcel 5616 South West Of Huscote Farm And East Of Daventry Road, Banbury.**

Construction of up to 140,000 sq m of employment floorspace (use class B8 with ancillary offices and facilities) and servicing and infrastructure including new site accesses, internal roads and footpaths, landscaping including earthworks to create development platforms and bunds, drainage features and other associated works including demolition of the existing farmhouse.

Officers Recommendation: Application not yet determined.

Method of determination: Public Inquiry.

Start Date: 21/12/2022.

Appeal Reference: 22/00053/NON

- b) **21/02573/F – Waverley House, Queens Avenue, Bicester, OX26 2PY**

Demolition of existing building and erection of building to form 48 numbered apartments together with landscaping, car parking, bin stores, secure cycle parking and associated infrastructure.

Officer Recommendation: Refusal
Method of Determination: Hearing
Start Date: 24/01/2023
Appeal Reference: 23/00054/REF

3.2 New Enforcement Appeals

None

3.3 Appeals in Progress

a) 22/01404/F – 83 Mold Crescent, Banbury

Full planning application for single storey rear extension and part double storey rear extension

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00049/REF

b) 22/01088/F – 2A Strawberry Hill, Bloxham

Full planning application for single storey front porch extension and incorporation of garage to provide a utility room and study

Officer recommendation: Refusal (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 17.11.2022
Appeal reference: 22/00048/REF

c) 21/03177/F – Land West of Howes Lane, Bicester

Full planning application for employment development (Use Classes E(g)(iii), B2 and/or B8) comprising 5 units within 3 buildings and associated parking and servicing, landscaping and associated works

Officer recommendation: Approval (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 17th January 2023
Hearing Venue: Council Chamber, Bodicote House
Start Date: 04.10.2022
Appeal reference: 22/00045/REF

d) 22/01585/F – 6 Willow Way, Banbury, OX16 9EY

Change of use of grass verge/land within applicant's ownership to enclosed residential garden area. Erect 1.8m high close board fencing set back from pavement to match existing rear boundary fencing.

Officer Recommendation: Refused (Delegated)
Method of determination: Written Representations

Start Date: 18.10.2022
Appeal reference: 22/00046/REF

e) 20/01122/F - OS Parcel 9635 North East of HMP Bullingdon Prison, Widnell Lane, Piddington

Material Change of Use of land to use as a residential caravan site for 12no. gypsy/traveller families, each with two caravans, including improvement of access, laying of hardstanding and installation of package sewage treatment plant.

Officer recommendation: Refused (Committee)
Method of determination: Hearing
Hearing Date: Tuesday 22nd November 2022
Hearing Venue: River Cherwell Meeting Room, Bodicote House
Start Date: 08.10.2021
Appeal reference: 21/00033/REF

f) 20/02192/LB - Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Appeal reference: 21/00037/REF

g) 20/02193/F – Manor Farm, Station Road, Hook Norton, OX15 5LS

Repairs, alterations and extension to dwellinghouse. Alterations to agricultural buildings to facilitate their conversion to ancillary residential use and erection of new buildings to be used ancillary to the dwellinghouse. Associated landscaping.

Officer Recommendation: Refused (Delegated)
Method of determination: Hearing – 18th/19th May 2022
Start Date: 30.11.2021
Appeal reference: 21/00036/REF

h) 21/02986/F – 2 The Orchard, Horton Cum Studley, OX33 1BW

Two storey rear/side extension and associated internal alterations

Officer recommendation: Refused (Delegated)
Method of determination: Householder (Fast Track)
Start Date: 20.04.2022
Appeal reference: 22/00020/REF

i) 21/03190/F - Land North of Camp Road, East of Holly Trees and 1 Jalna Lodge, Camp Road, Upper Heyford

Erection of dwelling, detached garage, widening of vehicular access and all associated works

Officer recommendation: Application not determined

Method of determination: Written Representations
Start Date: 21.06.2022
Appeal reference: 22/00034/NON

j) 21/03445/F – 41 Fernhill Road, Begbroke, OX5 1RR

Extension and subdivision into two houses

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 10.08.2022
Appeal reference: 22/00038/REF

k) 21/03452/TEL56 – Street Record, Station Road, Kirtlington

Proposed 15.0m Phase 8 Monopole C/W wrapround Cabinet at base and associated ancillary works.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 21.04.2022
Appeal reference: 22/00021/REF

l) 21/04271/F - Land South of Faraday House, Woodway Road, Sibford Ferris

Erection of 6 one storey age restricted dwellings (55 years) for older people with access, landscaping and associated infrastructure

Officer recommendation: Approval (Committee)
Method of determination: Written Representations
Start Date: 02.09.2022
Appeal reference: 22/00040/REF

m) 22/00173/CLUP – 15 Arcott Road, Piddington, OX25 1PS

Certificate of Lawfulness of Proposed Development for the erection of a wooden workshop to be use for dog grooming services.

Officer recommendation: Refused (Delegated)
Method of determination: Written Representations
Start Date: 05.05.2022
Appeal reference: 22/00023/REF

3.4 Enforcement Appeals in Progress

a) 20/00236/ENF - Land Rear Of PO Merton Road And Adjoining No 2 Chapel Drive, Ambrosden, Bicester

Method of determination: Written Representations
Start Date: 13.09.2022
Appeal reference: 22/00043/ENF

3.5 **Forthcoming Public Inquiries and Hearings between 12th January and 9th February 2023**

None.

3.6 **Appeal Results**

Inspectors appointed by the Secretary of State have issued the following decisions:

a) 22/02022/HPA – 59 Hazel Crescent, Kidlington

Householder Prior Approval Application for 'Ground floor rear extension with flat roof height to eaves 3m, overall height 3m, length 6m.

Method of determination: Householder (Fast Track)

Start Date: 14.12.2022

Appeal reference: 22/00052/REF

Appeal withdrawn by Appellant.

b) 22/00985/TEL56 - The Planning Inspector Allowed the appeal by CK Hutchison Networks (UK) Ltd for a Proposed 15.0m Phase 9 super slimline Monopole and associated ancillary works at Telecommunications Cabinet CWL 18533 Oxhey Hill Cropredy.

Method of determination: Written Representation.

Start Date: 13.09.2022

Appeal reference: 22/00042/REF

The inspector identified the main issue as the effect of the siting and appearance of the proposed installation on the Cropredy Conservation Area.

The inspector concluded that the siting and appearance of the proposal would not have a harmful effect and the proposal would be in accordance with Policy ESD15 of the Cherwell Local Plan 2015 and saved Policy C28 of the Cherwell Local Plan 1996 insofar as they relate to issues of siting and appearance and the Framework which seeks that proposals for telecommunications are sympathetically designed. In addition, concerns have also been raised by third parties in regard to noise and impact on nearby livestock and also with regards to the proximity of the proposed apparatus to the road and parked vehicles. However, no specific evidence was forthcoming regarding either matter.

c) 21/04201/Q56 – The Planning Inspector dismissed the appeal by Crockwell Farm LLP for proposed Building operations (Class Qb) reasonably necessary for Crockwell Barn to function as a single dwelling house (Use Class C3) at Crockwell House Farm, Manor Road, Great Bourton.

Method of determination: Written Representation.

Start Date: 24/10/2022.

Appeal Reference: 22/00047/REF

The inspector identified the main issue is whether the proposal would constitute permitted development as defined in Class Q of the GPDO, having particular regard to the proposed building operations.

The inspector concluded that the development would not be permitted by Class Q when having regard to the extent of the proposed building operations and the provisions of the PPG.

d) 21/02986/F – The Planning Inspector dismissed the appeal by Mr & Mrs Geoff Harrison for a two-storey rear/side extension and associated internal alterations at 2 The Orchard Horton Cum Studley OX33 1BW.

Method of determination: Fast Track (Householder)

Start date: 20/04/2022

Appeal reference: 22/00020/REF

The inspector identified the main issues as the effect of whether the proposal would constitute inappropriate development in the Green Belt and if the proposal would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

The inspector concluded that Paragraph 148 of the Framework requires decision-makers to ensure that substantial weight is given to any harm to the Green Belt. In this case the proposal is inappropriate development and would reduce openness of the Green Belt. Other considerations weighing in favour of the development must clearly outweigh this harm. Principal among these are the use of good design and matching materials. Whilst I acknowledge these, and all other considerations put forward by the appellant, Paragraph 144 makes clear that all development in the Green Belt is subject to stringent national planning policy tests, which I have applied. In light of this, I conclude that those considerations put forward which weigh in favour of the proposal fail to clearly outweigh the substantial harm by reason of inappropriateness. The very special circumstances needed to justify the proposal do not therefore arise. The proposal conflicts with the Policies of the LP and of the Framework, the aims of which I have aforesaid. Accordingly, the appeal should be dismissed.

e) 22/00540/F – The Planning Inspector Allowed the appeal by S Sanger for a proposed change of use of land to residential garden with the removal of some existing boundary fences and erection of new boundary fences at 58 Corncrake Way, Bicester, Oxon, OX26 6UE.

Officer Recommendation: Refusal.

Method of determination: Written Representation.

Start date: 14/09/2022.

Appeal Reference Number: 22/00044/REF

The inspector identified the main issue as the effect of the development on the character and appearance of the area.

The Inspector concluded that the development would not have an adverse effect on the character and appearance of the area. It therefore accords with saved policies C28 and C30 of the Cherwell Local Plan November 1996, policies ESD 10 and ESD15 of The Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015, and relevant policies in the National Planning Policy Framework (the Framework). These policies seek, amongst other things, new development to provide good design that is appropriate to its location, scale and function and to protect existing areas of public space and green infrastructure.

4.0 Conclusion and Reasons for Recommendations

The report provides the current position on planning appeals which Members are invited to note

5.0 Consultation

None.

6.0 Alternative Options and Reasons for Rejection

None. The report is presented for information.

7.0 Implications

7.1 Financial and Resource Implications

There are no financial implications arising from this report. The report is for information only. The cost of defending appeals is met from existing budgets other than in extraordinary circumstances.

Comments checked by:
Kimberley Digweed, Service Accountant
kimberley.digweed@cherwell-dc.gov.uk

7.2 Legal Implications

As this report is purely for information there are no legal implications arising from it.

Comments checked by:
Shahin Ismail, Interim Monitoring Officer – shahin.ismail@cherwell-dc.gov.uk

7.3 Risk Implications

This is an information report where no recommended action is proposed. As such there are no risks arising from accepting the recommendation. Any arising risk will be managed through the service operational risk and escalated to the Leadership Risk Register as and when necessary.

Comments checked by:
Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556
Celia.Prado-Teeling@Cherwell-dc.gov.uk

7.4 Equality & Diversity Implications

This is an information report where no recommended action is proposed. As such there are no equality implications arising from accepting the recommendation.

Comments checked by:
Celia Prado-Teeling, Performance & Insight Team Leader, 01295 221556
Celia.Prado-Teeling@Cherwell-dc.gov.uk

7.5 Decision Information

Key Decision:

Financial Threshold Met: No

Community Impact Threshold Met: No

Wards Affected

All

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2022-2023:

- Housing that meets your needs
- Supporting environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient, and engaged communities

Lead Councillor

Councillor Colin Clarke, Portfolio Holder for Planning

Document Information

None

Background papers

None

Report Author and contact details

Sarah Gevaux, Appeals Administrator, sarah.gevaux@cherwell-DC.gov.uk

Paul Seckington, Development Management paul.seckington@cherwell-gov.uk